federal register

FRIDAY, DECEMBER 15, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 242

Pages 26701–26807

PART I

(Part II begins on page 26773)

(Part III begins on page 26789)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

(Continued Inside)

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

Rules and Regulations

Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER C—CLAIMS; GENERAL

SUBCHAPTER D—TRANSPORTATION

ORGANIZATIONAL CHANGE

The Transportation Division and the Claims Division of the General Accounting Office have been combined into a single Transportation and Claims Division. To conform the regulations to this organizational change, Subchapter C is amended by changing the title "Claims Division" to read "Transportation and Claims Division" wherever it appears therein; and Subchapter D is amended by changing the title "Transportation Division" to read "Transportation and Claims Division" wherever it appears therein.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52)

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.72-21567 Filed 12-14-72;8:46 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Institutional Providers of Health Services

The purpose of this amendment is to revise § 300.18(d) of the Price Commission regulations under which institutional providers of health services determine allowable cost increases for purposes of the price stabilization program.

The amendment prescribes two limitations for determining allowable costs for fiscal years beginning on or after January 1, 1973. There are no substantive changes with respect to institutional providers of health services whose fiscal years begin prior to January 1, 1973, although editorial changes have been made to improve terminology as indicated in subparagraph (1) (i), (ii), and (iii). For fiscal years beginning on or after January 1, 1973, under subparagraph (2) (i), aggregate wage and salary increases, including fringe benefits, incurred after November 8, 1971, after adjusting for changes in volume, may not exceed 5.5 percent of wage and salary expenses for the last fiscal year. This limitation is the same as that applicable to earlier fiscal years.

Under subparagraph (2) (ii), aggregate nonwage and nonsalary expense increases, including those from new technology, after adjusting for changes in volume, may not exceed 2.7 percent of total annual expenses for the institution's last fiscal year. This 2.7 percent limitation replaces the two allowable cost limitations of 2.5 percent for nonwage and nonsalary expenses, and 1.7 percent for new technology expenses.

Further, the addition of subparagraph 4 is an editorial change and does not change the definition of new technology.

This amendment does not affect the application of Price Commission Special Regulation 2 to any institutional provider of health services incurring increases in labor wage costs resulting from adjustments to wages from a level below $2.75 per hour to or toward $2.75 per hour. These adjustments are considered as part of the 5.5 percent allowable cost for overall wage and salary increases. Low wage adjustment costs resulting in an annual increase of more than 5.5 percent may be treated as allowable cost increases under § 300.18 without an exception to the extent that the excess does not cause an increase in the aggregate annual revenues of the institutional provider of health services over that amount otherwise authorized under § 300.18(c).

Because the purpose of this amendment is to provide immediate guidance and information as to the price stabilization rules in effect for health services, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-588, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; and Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective December 14, 1972.

Issued in Washington, D.C., on December 12, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

Section 300.18 is amended by revising paragraph (d) as follows:

§ 300.18 Institutional providers of health services.

* * * * *

(d) *Allowable cost increases.* Except in any case in which the Price Commission specifically determines otherwise, the following may not be included in determining allowable price increases for the purposes of this section:

(1) During fiscal years beginning prior to January 1, 1973—

(i) Aggregate wage and salary increases, including fringe benefits, incurred after November 8, 1971, which, after adjusting for changes in volume, exceed 5.5 percent of wage and salary expenses for the last fiscal year.

(ii) Aggregate nonwage and nonsalary expense increases for the current fiscal year (such as in goods and services purchased) which, after adjusting for changes in volume, exceed 2.5 percent of the nonwage and nonsalary expenses for the last fiscal year.

(iii) Aggregate expenses for new technology which exceed 1.7 percent of total annual expenses for the last fiscal year.

(2) During fiscal years beginning on or after January 1, 1973—

(i) Aggregate wage and salary increases, including fringe benefits, incurred after November 8, 1971, which, after adjusting for changes in volume, exceed 5.5 percent of wage and salary expenses for the last fiscal year.

(ii) Aggregate nonwage and nonsalary expense increases (including new technology) for the current fiscal year which, after adjusting for changes in volume, exceed 2.7 percent of total annual expenses for the last fiscal year.

(3) For the purposes of subparagraphs (1) (i) and (2) (i) of this paragraph, "wage" and "salary" do not include contributions by any employer pursuant to a compensation adjustment for any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a) (2), or 403(b) of the Internal Revenue Code of 1954; any group insurance plan; or any disability and health plan; until such time as the President determines that the contributions made by such an employer are unreasonably inconsistent with the standards for wage, salary and price increases issued under section 203(b) of the Economic Stabilization Act of 1970, as amended by the Economic Stabilization Act Amendments of 1971 (Public Law 92-210).

(4) For the purposes of subparagraphs (1) (iii) and (2) (ii) of this paragraph, "new technology" means new equipment and new services directly related to health care to the extent they are not charged directly to persons benefiting directly from that equipment or these services.

[FR Doc.72-21602 Filed 12-12-72;3:22 pm]

Rulings—Internal Revenue Service, Department of the Treasury

[Pay Board Ruling 1972-125[

ESCROW ACCOUNTS

Pay Board Ruling

Facts. Contractor X must obtain the approval of the Construction Industry Stabilization Committee, a delegate of the Pay Board, for a wage increase provided in a union contract. The contractor must also obtain Pay Board approval for a wage increase for his nonunion employees. To protect his bid price, the contractor desires to place the two separate wage increases in question into an escrow account pending approvals by C.I.S.C. and the Pay Board, respectively. The portions of the wage increases in the union contract which are disapproved by C.I.S.C., if any, and the portions of the nonunion wage increases which are disapproved by the Pay Board, if any, will revert to the employer upon such disapproval.

Issue. Would it constitute a violation of Economic Stabilization Regulations, § 201.41, 37 F.R. 24971 (1972), for an employer to place negotiated wage increases in an escrow account pending approval by C.I.S.C. and the Pay Board, respectively?

Ruling. No. Section 201.41 prohibits the payment or receipt of any portion of a wage and salary increase not permitted by the Economic Stabilization Regulations or by decision or order of the Pay Board or its delegate. In the situation where wage increases are delivered to and remain in an escrow account pending approval by either C.I.S.C. or the Pay Board, depending on which body has jurisdiction, with reversion to the employer upon disapproval, such increases are neither paid by the employer nor received by the employees. Note, however, if the escrow agreement does provide for reversion to the employer in the event of, and immediately upon, denial of the exception by C.I.S.C. or the Pay Board, such wages and salaries would be considered paid and received in the year that such wages and salaries are placed in escrow and such payment would constitute a violation of the regulations. See examples (4) and (5) of Economic Stabilization Regulations, § 201.41, 37 F.R. 24971 (1972).

This ruling has been approved by the General Counsel of the Pay Board.

Dated: December 13, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: December 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-21689 Filed 12-14-72;8:45 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 5, Amdt. 4]

MISCELLANEOUS AMENDMENTS TO CHAPTER

On November 8, 1972, there was published in the FEDERAL REGISTER (37 F.R. 23733) a notice that the Small Business Administration proposed to amend the policy pertaining to the eligibility standards for lending institutions to participate with SBA on an immediate or deferred basis. Interested parties were given twenty (20) days in which to comment on the proposal. After consideration of the comments received, the following amendments are adopted as revisions of Parts 120, 122, and 123, by amending §§ 122.2(f)(2), and 123.1(d)(2), and by adding a new paragraph (c) to § 120.3.

PART 120—LOAN POLICY

1. By amending § 120.1(c) to read as follows:

§ 120.1 Introduction.

* * * * *

(c) "Financial institutions" as used in this part shall include, but not be limited to, banks and other lending institutions whose regular course of business entails, the making of commercial, industrial and/or other loans of the type authorized to be made by SBA to eligible small business concerns and who otherwise meet the criteria specified in § 120.3(c).

2. By adding a new paragraph (c) to § 120.3 to read as follows:

§ 120.3 Terms and conditions of business loans and guarantees.

* * * * *

(c) *Eligible loan participant.* SBA is authorized by appropriate enabling legislation to make participation loans to small concerns in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis. In order to serve as an eligible loan participant in a particular loan transaction with SBA, the financial institution must—

(1) *Capacity to service loan.* Have the continuing capacities for processing, evaluating, disbursing, and servicing commercial term and other loans authorized to be made by SBA to small concerns.

(2) *Capital structure and financial standing.* Have an adequate capital structure aggregating not less than $200,000, which must be so unimpaired or of such tangible nature to be considered sound (except that the $200,000 minimum shall not apply to institutions which are subject to supervisory and examining control of State or Federal chartering, licensing, or similar regulatory authority) and, together with its existing or proposed directors, officers, other employees, and other persons connected with its organization and operations, possess good character as well as general standing and reputation in the community based on their lending and other established financial ability and experience.

(3) *Qualified management.* Have and maintain in charge of operations qualified management which shall be available to the public during regular business hours, and hold itself out to the public as engaged in the making of commercial, industrial, and other loans of the type authorized to be made by SBA to eligible small concerns.

(4) *Supervisory and examining authority.* Be operating subject to applicable supervisory and examining control of State or Federal chartering, licensing or similar regulatory authority, or, in the absence of such control, be authorized to and shall enter into a written agreement with SBA to submit appropriate financial reports to SBA or to make available for SBA examination its books, records, accounts, and affairs deemed necessary and appropriate by SBA to the protection of its interest in the transaction.

(5) *Absence of other financial or self-dealing interest in borrower concern.* Not possess, nor may any of its officers, directors, stockholders owning ten (10) or more percent of any class of shares, investment advisers, or other associates or affiliates, possess any interest directly or indirectly, in the borrower small concern by reason of a stock or warrants position, or as a result of financing its own sales or business operations (except that any such interest in the borrower by a small business investment company, duly licensed by SBA, associated or affiliated with a loan participant shall not disqualify such otherwise eligible loan participant). Concerns operating as a subsidiary or affiliate engaged primarily in lending for the purpose of financing the sale of products or services or other business operations of an affiliate or parent concern are not considered eligible. In the event the borrower shall be required to obtain personal insurance coverage (as contrasted with hazard insurance to protect collateral), it shall be only in such minimum amounts and costs as are necessary to protect the loan. Such insurance coverage shall be limited to declining term policies, providing a decrease in coverage consistent with the decreasing loan balance outstanding.

(6) *Ineligibility of SBIC's.* Not operate as a small business investment company duly licensed by SBA.

[Rev. 3, Amdt. 4]

PART 122—BUSINESS LOANS

§ 122.2 [Amended]

A new sentence is added at the end of § 122.2(f) (2) as follows:

"The eligibility qualifications for financial institutions set forth in Part 120, § 120.3(c) are incorporated herein."

[Rev. 7, Amdt. 2]

PART 123—DISASTER LOANS

§ 123.1 [Amended]

A new sentence is added at the end of § 123.1(d) (2) Part 123, as follows:

"The eligibility qualifications for financial institutions set forth in Part 120, § 120.3(c) are incorporated herein."

These amendments shall be effective upon publication in the FEDERAL REGISTER (12–15–72).

Dated: December 11, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72–21585 Filed 12–14–72;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72–EA–95]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 21854 of the FEDERAL REGISTER for October 14, 1972, the Federal Aviation Administration published a proposed rule so as to alter the Lancaster, Pa., control zone (37 F.R. 2099) and transition area (37 F.R. 2225).

Interested parties were given 30 days after publication in which to submit written data or views. A sole objection was received from a Mr. Woodward of LANCO Flying Service based at Elizabethtown-Marietta Airport. He opined that the transition area would affect his operations since it extended over his airport, particularly during periods of restricted visibility. However, a review of the airspace establishes a need for the transition area extension which extends over the airport in view of the ILS procedures for runway 8. Thus the alteration must be effected.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. February 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 28, 1972.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of Federal Aviation Regulations so as to delete the description of the Lancaster, Pa., control zone and substituting the following therefor:

LANCASTER, PA.

Within a 5-mile radius of the center 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa.; within 3 miles each side of the Lancaster VORTAC 260° radial extending from the 5-mile radius zone to 8.5 miles west of the VORTAC and within 3 miles each side of the Lancaster VORTAC 128° radial extending from the 5-mile radius zone to 8.5 miles southeast of the VORTAC. This control zone shall be in effect 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Lancaster, Pa., 700-foot floor transition area and substituting the following therefor:

LANCASTER, PA.

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa.; within 3 miles each side of the Lancaster VORTAC 260° radial extending from the 7.5-mile radius area to 8.5 miles west of the VORTAC; within 3 miles each side of the Lancaster VORTAC 128° radial extending from the 7.5-mile radius area to 8.5 miles southeast of the VORTAC and within 3.5 miles each side of the Lancaster ILS southwest localizer course extending from the 7.5-mile radius area to 10.5 miles southwest of the OM.

[FR Doc.72–21575 Filed 12–14–72;8:46 am]

[Airspace Docket No. 72–NW–20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On September 22, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 19320) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would amend the description of the Portland, Oreg., transition area.

Interested persons were given 30 days in which to submit written comments. No objections to the proposed amendment were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., February 1, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on December 7, 1972.

C. B. WALK, Jr.,
Director, Northwest Region.

In § 71.181 (37 F.R. 2143) the description of the Portland, Oreg., transition area as amended by (37 F.R. 3349) and by (37 F.R. 4957) is further amended as follows:

In line 32 between the phrase "* * * V–165 excluding that airspace within Federal airways," and the phrase "* * * that airspace south of Portland bounded on the northwest * * *" insert the following:

That airspace south of Portland bounded on the north by an arc of a 60-mile radius centered on Portland Airport, on the west by the east edge of V–23E, on the south by the north edge of V–536 to latitude 44°27'30" N., longitude 122°23'00" W., thence north to a point on the 60-mile circle.

[FR Doc.72–21573 Filed 12–14–72;8:46 am]

[Airspace Docket No. 72–WA–60]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Area High Route

On November 15, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 24191) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign a segment of J974R from Casanova, Va., to Westport, Ky.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901, G.m.t., February 1, 1973, as hereinafter set forth.

Section 75.400 (37 F.R. 2400, 2767) is amended as follows:

In J974R "Adolph, W. Va. 38°40'45" N. 80°12'31" W. Charleston, W. Va." and "Chimney, W. Va. 38°38'00" N. 81°47'11" W. Charleston, W. Va." are deleted and "Henderson, W. Va. 38°45'15" N. 82°01'35" W. Charleston, W. Va." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1346(a); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 8, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–21574 Filed 12–14–72;8:46 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of East-West Trade, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[Export Regs. 13th Gen. Rev. (Amdt. 51)]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The 13th General Revision of the Export Regulations (Amendment 51), Parts 372, 373, 375, and 379 are amended to read as set forth below.

(50 U.S.C. App. sections 2402(2)(B), 2403(b) and 22 U.S.C. section 287C)

Effective date. December 14, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

1. In § 372.11(g)(3), subdivision (ii) is deleted and subdivisions (iii), (iv), (v), and (vi) are redesignated (ii), (iii), (iv), and (v) respectively.

2. In § 372.11(h)(2), subdivision (ii) is deleted and subdivisions (iii) and (iv) are redesignated (ii) and (iii) respectively.

3. In § 372.11(i), subparagraph (1) is amended to read as follows:

§ 372.11 Amending export licenses.

* * * * *

(i) *Action on amendment request*—(1) *By Office of Export Control*—(i) *Approved.* The Office of Export Control will validate all copies of an approved Form IA–763 by imprinting, in the space entitled "Validation," a facsimile of the U.S. Department of Commerce seal followed by the letter "D" and a series of numbers indicating the year, month, and day of validation. A copy will be forwarded to the individual named in the space entitled "Return Copy of Amendment Notice To."

(ii) *Returned without action.* When Form IA–763, Request for and Notice of Amendment Action, is returned without action, the reason(s) therefor will be indicated on Form IA–763A, Advice on Amendment Request Returned Without Action. All copies of Form IA–763 with original of Form IA–763A, plus any attachments will be returned to the individual named in the space of Form IA–763 entitled "Return Copy of Amendment Notice To." An amendment request may be resubmitted on the same set of Form IA–763 where corrections or documents are required. If the changes are extensive, a complete new set of Form IA–763 must be submitted.

(iii) *Rejected.* When a request is rejected, the reason(s) therefor will be indicated on the triplicate copy of Form IA–763, and such copy, plus any attachments, will be returned to the individual named in the space entitled "Return Copy of Amendment Notice To."

* * * * *

PART 373—SPECIAL LICENSING PROCEDURES

4. In § 373.2(a), subparagraph (1) is deleted and subparagraphs (2), (3), and (4) are redesignated (1), (2), and (3) respectively.

5. The redesignated § 373.2(a)(2) is amended to read as follows:

§ 373.2 Project license.

* * * * *

(a) * * *

(2) At least 25 individual validated licenses would be needed to export the proposed commodities; and

* * * * *

6. In § 373.3(c), subparagraph (3) is amended to read as follows:

§ 373.3 Distribution license.

* * * * *

(c) * * *

(3) *Prerequisite volume of business.* The exporter shall have a reasonable expectation that the Distribution License, if granted, will replace not less than 25 individual validated export licenses that would otherwise be required.

* * * * *

PART 375—DOCUMENTATION REQUIREMENTS

7. In § 375.2, paragraph (b)(1) is amended to read as follows and paragraph (e)(7) is deleted.

§ 375.2 Ultimate consignee and purchaser statement.

* * * * *

(b) *Statements Required from Ultimate Consignee and Purchaser.* (1) *General.* The applicant shall furnish a statement from the ultimate consignee and purchaser named in the license application, certifying to certain facts relating to the proposed transaction. This statement shall be submitted on Form FC–842, Single Transaction Statement by Consignee and Purchaser, or on Form FC–843, Multiple Transactions Statement by Consignee and Purchaser (see Supplements S–6 and S–7 for facsimiles[1]). Every item on the forms must be completed. Only the original Form FC–842 need be submitted to the Office of Export Control, while an original and one copy of Form FC–843 are required to be submitted. More detailed instructions are given in § 375.2(e) below. Such statement is required by the Office of Export Control to assure that foreign consignees and purchasers are fully aware of their responsibility for the representations made to the Office of Export Control and for the disposition of the licensed commodities only in those foreign countries where the Office of Export Control has specifically authorized disposition.

* * * * *

(e) * * *

(7) [Deleted]

[1] Forms FC–843 may be obtained from all U.S. Department of Commerce Field Offices (see list on page 1 under Field Office Addresses), and from the Office of Export Control (Attn: 852), U.S. Department of Commerce, Washington, D.C. 20230. Foreign importers may obtain copies of these forms from their U.S. exporter or from diplomatic and Consular offices.

PART 379—TECHNICAL DATA

§ 379.4 [Amended]

8. In § 379.4(e)(1)(iii), subdivision (j) is deleted.

[FR Doc.72-21590 Filed 12-14-72;8:48 am]

Title 20—EMPLOYEES' BENEFITS

Chapter IV—Employees' Compensation Appeals Board, Department of Labor

PART 501—RULES OF PRACTICE

Disclosure of Information Under Freedom of Information Act by Employees' Compensation Appeals Board

In order to clarify the authority of the Employees' Compensation Appeals Board to pass on requests directed to the Board for disclosure of information relating to matters before the Board, § 501.8(b) is amended to apply to such requests for disclosure the same standards which would be applied if the records were requested of the Employment Standards Administration under 29 CFR 70.74.

As this section authorizes the Employees' Compensation Appeals Board to act upon request under the same standards which would have been used if the request had been directed to the Employment Standards Administration, this change is a procedural change which does not require notice of proposed rule making, public participation, or delay in the effective date. Accordingly this amendment shall be effective upon publication in the FEDERAL REGISTER (12–15–72).

Section 501.8(b) is revised to read as follows:

§ 501.8 Docket of proceedings; inspection of docket and records.

* * * * *

(b) *Inspection of docket and records.* The docket of the Board shall be open to public inspection. The Board shall publish its decisions in such form as to be readily available for inspection, and shall allow the public inspection thereof at the permanent location of the Board. Inspection of the papers and documents included in the case record of any proceeding before the Board shall be permitted or denied in accordance with the standards provided in § 1.22 of this title. The Chairman of the Board shall exercise the functions prescribed in 29 CFR 70.74a.

Signed at Washington, D.C., this 8th day of December 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-21588 Filed 12-14-72;8:48 am]

Chapter VI—Employment Standards Administration, Department of Labor

SUBCHAPTER B—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, AS AMENDED

PART 715—BLACK LUNG BENEFITS PROGRAM UNDER TITLE IV OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT; GENERAL PROVISIONS

Definitions

Part 715 is amended by revising § 715.101(a) (17) and adding new § 715.101(a) (25), (26), (27), (28), (29), and (30) as set forth below.

These additions and corrections relate solely to the internal organization and operation of the Department of Labor with respect to the black lung benefits program. For this reason no notice of proposed rule making is required and these additions and corrections shall become effective upon publication in the FEDERAL REGISTER (12-15-72).

1. Section 715.101(a) is amended by revising subparagraph (17) and by adding new subparagraphs (25), (26), (27), (28), (29), and (30) to read as follows:

§ 715.101 General definitions and use of terms.

(a) *Definitions.* * * *

(17) "Deputy Commissioner" means a person appointed as provided in sections 39 and 40 of the Longshoremen's Act or his designee and authorized by the Director of the Office of Workmen's Compensation Programs to make initial determinations in respect to claims for total disability or death due to pneumoconiosis and to refer such cases for formal hearing and further development and investigation as provided in this subchapter.

* * * * *

(25) Office of Administrative Law Judges means the Office of Administrative Law Judges of the Department of Labor, Washington, D.C. 20210.

(26) Chief Administrative Law Judge means Chief Administrative Law Judge of the Department of Labor, Washington, D.C. 20210.

(27) Administrative Law Judge means Administrative Law Judge appointed pursuant to the provisions of section 554 et seq. of title 5 of the United States Code and employed by the Department of Labor, Washington, D.C. 20210.

(28) Benefits Review Board means the Benefits Review Board appointed by the Secretary of Labor pursuant to the provisions of section 21 of the Longshoremen's Act.

(29) Employment Standards Administration means the Employment Standards Administration of the Department of Labor, Washington, D.C.

(30) Carrier means any stock company or mutual company or association or any person or fund authorized under the laws of any State to insure workmen's compensation and under the regulations contained in this subchapter to enter into contracts or agreements of any kind to pay black lung benefits for or on behalf of a responsible coal mine operator.

* * * * *

Signed at Washington, D.C., this 12th day of December 1972.

RICHARD J. GRUNEWALD,
Assistant Secretary of Labor.

[FR Doc.72-21586 Filed 12-14-72;8:47 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7226]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Substantiation Requirements With Respect to Deductions Claimed for Travel and Entertainment Expenses

In order to modify the substantiation requirements with respect to deductions for travel and entertainment expenses, paragraph (c) (3) (i) of § 1.274-5 of the Income Tax Regulations (26 CFR Part 1) is amended to read as follows:

§ 1.274-5 Substantiation requirements.

* * * * *

(c) *Rules for substantiation.* * * *

(3) *Substantiation by other sufficient evidence.* If a taxpayer fails to establish to the satisfaction of the district director that he has substantially complied with the "adequate records" requirements of subparagraph (2) of this paragraph with respect to an element of an expenditure, then, except as otherwise provided in this paragraph, the taxpayer must establish such element—

(i) By his own statement, whether written or oral, containing specific information in detail as to such element; and

* * * * *

Because this Treasury decision will not be detrimental to any taxpayer, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. § 553 (b), or subject to the effective date limitation of 5 U.S.C. § 553 (d).

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: December 11, 1972.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.72-21589 Filed 12-14-72;8:47 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner [Federal Housing Administration]

[Docket No. R-72-184]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing

In the FEDERAL REGISTER issued for Wednesday, May 17, 1972 (37 F.R. 9902), prototype per unit cost schedules were published pursuant to section 15(5) of the Housing and Urban Development Act of 1937. Consideration of subsequent factual project cost data received from the Seattle regional and area offices indicates that certain prototype per unit cost schedules should be revised for the State of Alaska. Further, it is necessary to delete certain previous specific locations and include in lieu thereof broader geographical areas for sufficient prototype coverage.

Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to those cost limits in accordance with the Department's adopted publications policy (24 CFR Part 10), and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons the following changes are made to the schedules as originally published in volume 37 of the FEDERAL REGISTER:

1. On pages 9968-9969 delete the Dillingham, Fort Yukon, Galena, Kenai, Kotzebue, Noorvik, Point Barrow, Teller, Yakutat, and Coastal Area North of Aleutians, Alaska, schedules under region X and substitute in lieu thereof the revised prototype per unit costs shown on the table set forth below, entitled "Prototype Per Unit Cost Schedule."

(Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER [12-15-72].

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION X

	Number of bedrooms						
	0	1	2	3	4	5	6
Kenai, Alaska:							
Detached and semidetached	13,650	16,550	20,450	24,350	29,200	32,650	34,100
Row dwellings							
Walk-up							
Elevator-structure							
Yakutat, Alaska:							
Detached and semidetached	13,650	16,550	20,450	24,350	29,200	32,650	34,100
Row dwellings							
Walk-up							
Elevator-structure							

	Number of bedrooms				
	0	1	2	3	4 and 5
Fort Yukon, Alaska:					
Detached and semidetached	22,550	27,350	33,800	40,250	49,100
Row dwellings					
Walk-up					
Elevator-structure					
Galena, Alaska:					
Detached and semidetached	24,200	29,400	36,350	43,250	52,750
Row dwellings					
Walk-up					
Elevator-structure					
Coastal area, North of Aleutians, Alaska:					
Detached and semidetached	27,300	33,150	40,950	48,750	59,500
Row dwellings					
Walk-up					
Elevator-structure					
Tok Junction, Alaska:					
Detached and semidetached	20,850	25,350	31,250	37,200	45,400
Row dwellings					
Walk-up					
Elevator-structure					
Barter Island, North Coastal area, Alaska:					
Detached and semidetached	28,100	34,150	42,150	50,200	61,250
Row dwellings					
Walk-up					
Elevator-structure					
Inland area, North of Aleutians, Alaska:					
Detached and semidetached	31,200	37,900	46,800	55,700	67,950
Row dwellings					
Walk-up					
Elevator-structure					

[FR Doc.72-21522 Filed 12-14-72;8:45 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 74—COAL MINE DUST PERSONAL SAMPLER UNITS

Specifications of Sampler Unit

Section 202(a) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 842(a)) provides that the dust samples required from underground coal mine operators shall be taken only by a device approved by the Secretary of the Interior and the Secretary of Health, Education, and Welfare. On March 11, 1970, regulations for the approval of coal mine dust personal sampler units were issued by the Secretaries as Part 74 of Title 30, Code of Federal Regulations (35 F.R. 4326).

In the FEDERAL REGISTER for December 29, 1971 (36 F.R. 25160), proposed amendments to Part 74 were published which provided for: (1) The interchange of assemblies comprising a coal mine dust personal sampler unit so as to permit greater flexibility in sampling instrumentation; and (2) the reduction of the effect of irregularity in flow rate due to pulsation by requiring that the quantities of dust collected by a sampler unit shall be within ±5 percent of that collected with a sampling head assembly operated with nonpulsating flow. The intent of this latter specification is to provide measurements of respirable dust more consistent with those obtained with an MRE instrument.

Interested persons were afforded a period of 45 days within which to submit written comments, suggestions, and objections to the proposed amendments. All material received has been given careful and thorough consideration.

In light of the comments and data received from interested persons, it has been concluded that flexibility in instrumentation would be achieved at the sacrifice of reliability of the personal sampler unit. Accordingly, the provisions permitting interchange and approval of assemblies which comprise the unit have been deleted.

While mine operators and some sampler unit manufacturers contended that the specifications for reducing the effect of pulsation would be costly as well as unnecessary, this requirement has been adopted because inexpensive field modification of sampler units is feasible, and the sampler units, as modified, will provide more accurate measurement of miner exposure to respirable dust. To facilitate compliance with the requirement for reducing the effect of pulsation, the test procedures for evaluating sampler units with respect to this specification will be provided on request by the National Institute for Occupational Safety and Health, 1014 Broadway, Cincinnati, OH 45202.

The Amendments to Part 74 as set forth below are hereby adopted effective on the date of their publication in the FEDERAL REGISTER (12-15-72).

Dated: December 7, 1972.

ROGERS C. B. MORTON,
Secretary of the Interior.

Dated: November 8, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

1. In § 74.3, paragraph (a)(8) is revised as follows:

§ 74.3 Specifications of sampler unit.

(a) * * *

(8) *Pulsation.* (i) The irregularity in flow rate due to pulsation shall have a fundamental frequency of not less than 20 Hz.

(ii) On and after (insert date 1 year from effective date) the quantity of respirable dust collected with a sampler unit shall be within ±5 percent of that collected with a sampling head assembly operated with nonpulsating flow.

NOTE: The test procedures for evaluating sampler units with respect to this specification will be provided on request by the National Institute for Occupational Safety and Health, 1014 Broadway, Cincinnati, Ohio 45202.

(iii) Certificates of approval issued for sampler units which fail to comply with the specification set forth in subdivision (ii) of this subparagraph when such specification becomes effective, shall be revoked.

* * * * *

§§ 74.4–74.10 [Amended]

2. In §§ 74.4 through 74.10, wherever the term "Bureau of Occupational Safety and Health" appears, the term "National Institute for Occupational Safety and Health" is substituted therefor, and wherever the term "bureaus" or the phrase "appropriate bureaus" appears, the phrase "Bureau or Institute" is substituted therefor.

§§ 74.6 and 74.9 [Amended]

3. In §§ 74.6(a) and 74.9(b) the address "1014 Broadway, Cincinnati, OH 45202" is changed to "Box 4256, 944 Chestnut Ridge Road, Morgantown, WV 26505."

4. Section 74.11 is revised to read as follows:

§ 74.11 Withdrawal of certification.

Any certificate of approval issued under the regulations in this part may be revoked for cause by the Institute

or the Bureau which issued the certificate.

(Sec. 508, 83 Stat. 803; 30 U.S.C. 957)

[FR Doc.72-21568 Filed 12-14-72;8:46 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 40—STANDARDS OF CONDUCT

Gratuities

The following amendment to Part 40 has been authorized: Section 40.735-5(b)(14) has been revised, and now reads as follows:

§ 40.735-5 Gratuities.

* * * * *

(b) * * *

(14) The acceptance of accommodations, subsistence, or services furnished in kind in connection with official travel, from other than Defense contractors, when authorized by the order-issuing authority as in the overall Government interest. When accommodations, subsistence, or services in kind are furnished to DOD personnel by private sources, appropriate deductions shall be made in the travel, per diem, and other allowances otherwise payable to the personnel. DOD personnel may not accept personal reimbursement from a private source for expenses incident to official travel, unless authorized pursuant to 5 U.S.C. 4111 or other express statutory authority. Rather, any reimbursement must be made to the Government by check payable to the Treasurer of the United States; personnel will be reimbursed by the Government in accordance with regulations relating to reimbursement. In no case shall DOD personnel accept—either in kind or on a reimbursable basis—benefits which are under prudent standards extravagant or excessive in nature.

* * * * *

This amendment was approved by the Civil Service Commission on June 13, 1972, and becomes effective on publication in the FEDERAL REGISTER (12-15-72).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.72-21591 Filed 12-14-72;8:48 am]

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 881—APPOINTMENT IN COMMISSIONED GRADES—RESERVE OF THE AIR FORCE AND U.S. AIR FORCE (TEMPORARY)

How To Apply; Correction

Part 881, Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations (37 F.R. 25371, Nov. 30, 1972) is corrected by adding subparagraph (12) to paragraph (a) of § 881.20 to read as follows:

§ 881.20 How to apply.

* * * * *

(12) DD Form 1644, "Ready Reserve Service Agreement," (in triplicate) for persons whose appointment is contingent upon assignment to a ready reserve unit or mobilization augmentation position, as required by Part 888a of this subchapter.

* * * * *

(10 U.S.C. 591, 593, 8012, 8067, 8353, 8358, 8359 and 8444, except as otherwise noted)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of the Judge Advocate General.

[FR Doc.72-21566 Filed 12-14-72;8:45 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Office of Oil and Gas, Department of the Interior

[Oil Import Reg. 1 (Rev. 5)]

O I REG. 1—OIL IMPORT REGULATIONS

Miscellaneous Amendments

Those provisions of paragraphs (b), (e), and (g) of section 30 of Oil Import Regulation 1 (Revision 5), as amended, which limit allocations of imports of No. 2 fuel oil to No. 2 fuel oil which is manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere are hereby suspended effective as of January 1, 1973, and such provisions shall not be operative for the period January 1, 1973, through April 30, 1973.

Paragraph (h) of section 30 of Oil Import Regulation 1 (Revision 5), as amended, is hereby suspended effective as of January 1, 1973, and such paragraph shall not be operative for the period January 1, 1973, through April 30, 1973.

Those provisions of paragraph (b) of section 15 of Oil Import Regulation 1 (Revision 5), as amended, which limit shipments of finished products other than residual fuel oil to be used as fuel from Puerto Rico to Districts I-IV and to District V are hereby suspended, effective January 1, 1973, with respect to No. 2 fuel oil and such provisions shall not be operative with respect to No. 2 fuel oil for the period January 1, 1973, through April 30, 1973. Shipments during such period of No. 2 fuel oil from Puerto Rico into such Districts will not be accounted for as shipments of finished products under the terms of the said section, notwithstanding that they may, as to any person, exceed the quantity of finished products which he shipped or which he sold and were so shipped in the calendar year 1965.

Subdivision (iv) of subparagraph (3) of paragraph (c) of section 15 of Oil Import Regulation 1 (Revision 5), as amended, is hereby suspended effective as of January 1, 1973, and such paragraph (iv) shall not be operative for the period January 1, 1973, through April 30, 1973.

HOLLIS M. DOLE,
Assistant Secretary, Mineral Resources.

I concur:

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.72-21600 Filed 12-12-72;3:10 pm]

[Oil Import Reg. 1 (Rev. 5), Amdt. 47]

OI REG. 1—IMPORT REGULATIONS

Asphalt Imports—Districts I-IV

Section 31 of Oil Import Regulation 1 (Revision 5), 36 F.R. 775, provides for allocations of imports of asphalt into Districts I-IV for the current allocation period. The Director, Office of Emergency Preparedness, with the advice of the Oil Policy Committee, has determined that the program under section 31 should continue in effect for the allocation period January 1, 1973, through December 31, 1973. Accordingly, section 31 of Oil Import Regulation 1 (Revision 5) is amended as set forth below. This amendment, which makes no change of substance in section 31 for the year 1973, is based on a complete review of the asphalt program by the Office of Emergency

Preparedness. Therefore, it is not considered necessary to give notice of proposed rule making respecting this amendment and it shall become effective on January 1, 1973.

HOLLIS M. DOLE,
Assistant Secretary,
Mineral Resources.

I concur:

G. A. LINCOLN,
Director, Office
of Emergency Preparedness.

Paragraphs (b) and (d) of section 31 of Oil Import Regulation 1 (Revision 5) are hereby amended to read as follows:

Sec. 31 Asphalt.

* * * * *

(b) For the allocation period January 1, 1973, through December 31, 1973, the Director shall make an allocation of imports of asphalt into Districts I–IV to any person who certifies that such imports are required to meet obligations under contracts with, or purchase orders from, customers in Districts I–IV or to meet his own construction or manufacturing requirements. The allocation shall be in the quantity which such person certifies in writing is required to meet such obligations or requirements.

* * * * *

(d) Applications for allocations under this section may be filed with the Director at any time during the period. An application may be filed in such form as the Director may prescribe. All licenses issued under allocations made pursuant to this section shall be valid only during the period January 1, 1973, through December 31, 1973.

* * * * *

[FR Doc.72-21601 Filed 12-12-72;3:10 pm]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

[Federal Procurement Regs.; Temporary Reg. 29]

PART 1–12—LABOR

Miscellaneous Amendments

To: Heads of Federal Agencies.

SUBJECT: Service Contract Act of 1965, as amended.

1. *Purpose.* This regulation amends Subpart 1–12.9, Service Contract Act of 1965, to reflect regulatory changes prescribed by the Department of Labor.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (12–15–72).

3. *Expiration date.* This regulation will continue in effect until canceled.

4. *Background.* Public Law 92–473, dated October 9, 1972, amended the Service Contract Act of 1965 and prescribed additional requirements with respect to the computation of wage rates payable under the Act. Such requirements give effect to the existence of any collective bargaining agreement covering rates and fringe benefits for such services, provide for the forwarding of a copy of any such agreement to the Department of Labor with Standard Form 98, and require payment with respect to such rates and benefits at no less an amount than was required by the predecessor contractor's collective bargaining agreement, if any. The Act also requires that consideration be given to the wages which agencies would pay directly for such services. The Department of Labor issued Memorandum No. 108, dated October 12, 1972, to provide interim guidance and the General Services Administration issued a TWX to the heads of agencies on October 20, 1972, authorizing deviations from the provisions of Subpart 1–12.9 to permit compliance with Public Law 92–473. Subsequently, the Department of Labor amended its regulations in 29 CFR Part 4 (37 F.R. 25468, November 30, 1972) pertaining to the Service Contract Act. This amendment of the Federal procurement regulations makes changes that are necessary to give effect to the amendment of the Act and to the changes in the Department of Labor regulations.

5. *Agency implementation.* a. Section 1–12.900 is revised to read as follows:

§ 1–12.900 Scope of subpart.

This subpart sets forth policies and procedures for carrying out the provisions of the Service Contract Act of 1965, as amended by Public Law 92–473, October 9, 1972 (41 U.S.C. 351–357), the provisions of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201–219), as they pertain to service contracts, and the implementing regulations prescribed in 29 CFR Parts 4 and 1516, and instructions issued by the Secretary of Labor.

b. Section 1–12.901 is amended to add a new paragraph (c).

§ 1–12.901 Statutory requirements.

* * * * *

(c) The Act was amended on October 9, 1972, by Public Law 92–473. By virtue of amendments made to paragraphs (1) and (2) of section 2(a) and the addition to section 4 of a new subsection (c), the compensation standards of the Act were revised to impose on successor contractors certain requirements with respect to payment of wage rates and fringe benefits based on those agreed upon for substantially the same services at the same location in collective bargaining agreements entered into by their predecessor contractors (unless such agreed compensation is substantially at variance with that locally prevailing or the agreement was not negotiated at arm's length), and to require the Secretary of Labor to give effect to the provisions of such collective bargaining agreements in his wage determinations under section 2 of the Act. A new paragraph (5) which was added to section 2(a) of the Act requires a statement in Government service contracts of the rates that would be paid by the contracting agency in the event of its direct employment of those classes of service employees to be employed on the contract work who, if directly employed by the agency, would receive wages determined as provided in 5 U.S.C. 5341. The Secretary of Labor is directed to give due consideration to such rates in determining minimum monetary wages and fringe benefits under the provisions of the Act. Other provisions of the 1972 amendments include the addition of a new section 10 to the Act to insure extension of coverage by wage determinations of the Secretary to substantially all service contracts subject to section 2(a) of the Act at the earliest administratively feasible time; an amendment to section 4(b) of the Act to provide, in addition to the conditions previously specified for issuance of administrative limitations, variations, tolerances, and exemptions that administrative action in this regard shall be taken only in special circumstances where the Secretary determines that it is in accord with the remedial purpose of the Act to protect prevailing labor standards; and a new subsection (d) to section 4 of the Act providing for the award of service contracts for terms not more than 5 years with provision for periodic adjustment of minimum wage rates and fringe benefits payable thereunder by the issuance of wage determinations by the Secretary of Labor during the term of the contract. A further amendment to section 5(a) of the Act requires the names of contractors found to have violated the Act to be submitted for the debarment list not later than 90 days after the hearing examiner's finding of violation unless the Secretary recommends relief, and provides that such recommendations shall be made only because of unusual circumstances.

c. Section 1–12.902–1(a)(2) is revised to read as follows:

§ 1–12.902–1 Geographical coverage of the Act.

(a)(1) * * *

(2) The Act is not applicable to any services to be furnished outside the United States.

* * * * *

d. Section 1–12.902–2 is revised to provide a new caption and to add new material. As revised, the section reads as follows:

§ 1–12.902–2 Definitions.

For the purposes of this subpart, unless otherwise indicated, the terms used therein are defined as follows:

(a) "Service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

(b) "Secretary" includes the Secretary of Labor, the Assistant Secretary of

Labor for Employment Standards, and their authorized representatives.

(c) "Administrator" means the Deputy Assistant Secretary for Employment Standards in the Employment Standards Administration of the Department of Labor who is also Administrator of the Wage and Hour Division, or his authorized representative as set forth in this part. In the absence of the Deputy Assistant Secretary/Wage-Hour Administrator, the Deputy Administrator of the Wage and Hour Division/Director of Office of Wage and Compensation Programs is designated to act for him with respect to matters covered by this subpart. Except as otherwise provided in this subpart, the Assistant Administrator is the authorized representative of the Administrator for the performance of functions relating to the making and effectuation of wage determinations under the Service Contract Act of 1965, as amended, and this subpart.

(d) "Office of Special Wage Standards" (OSWS) means the organizational unit in the Employment Standards Administration to which is assigned the performance of functions of the Secretary under the Service Contract Act of 1965, as amended.

(e) "Contract" includes any contract subject wholly or in part to provisions of the Service Contract Act of 1965, as amended, and any subcontract at any tier thereunder.

(f) "Contractor" includes a subcontractor whose subcontract is subject to provisions of the Act.

(g) "Wage determination" includes any determination of minimum wage rates or fringe benefits made pursuant to the provisions of section 2(a) of the Act for application to the employment in a locality of any class or classes of service employees in the performance of any contract in excess of $2,500 which is subject to the provisions of the Service Contract Act of 1965.

(h) "Act," "Service Contract Act," or "Service Contract Act of 1965" shall mean the Service Contract Act of 1965, as amended by Public Law 92-473, 86 Stat. 789, enacted and effective October 9, 1972.

e. Section 1-12.904-1 is amended to prescribe a revised contract clause.

§ 1-12.904-1 Clause for Federal Service Contracts in excess of $2,500.

* * * * *

SERVICE CONTRACT ACT OF 1965, AS AMENDED

This contract, to the extent that it is of the character to which the Service Contract Act of 1965 (79 Stat. 1034, 41 U.S.C. 351) applies, is subject to the following provisions and to all other applicable provisions of the Act and regulations of the Secretary of Labor thereunder.

(a) *Compensation.* Each service employee employed in the performance of this contract by the Contractor or any subcontractor shall be paid not less than the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employees which is not listed therein, but which is to be employed under this contract, shall be classified by the Contractor so as to provide a reasonable relationship between such classifications and those listed in the attachment, and shall be paid such monetary wages and furnished such fringe benefits as are determined by agreement of the interested parties, who shall be deemed to be the contracting agency, the Contractor, and the employees who will perform on the contract or their representatives. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the Contracting Officer shall submit the question, together with his recommendation, to the Office of Special Wage Standards, Employment Standards Administration (ESA), of the Department of Labor for final determination. Failure to pay such employees the compensation agreed upon by the interested parties or finally determined by the Administrator or his authorized representative shall be a violation of this contract. No employee engaged in performing work on this contract shall in any event be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

(b) *Adjustment.* If, as authorized pursuant to section 4(d) of the Service Contract Act of 1965, as amended, the term of this contract is more than 1 year, the minimum monetary wages and fringe benefits required to be paid or furnished thereunder to service employees shall be subject to adjustment after 1 year and not less often than once every 2 years, pursuant to wage determinations to be issued by the Employment Standards Administration of the Department of Labor as provided in such Act.

(c) *Obligation to furnish prime benefits.* The Contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment or determined conformably thereto by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash in accordance with the applicable rules set forth in 29 CFR Part 4, Subparts B and C, and not otherwise.

(d) *Minimum wage.* In the absence of a minimum wage attachment for this contract, neither the Contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938. Nothing in this provision shall relieve the Contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(e) *Obligations attributable to predecessor contracts.* If this contract succeeds a contract, subject to the Service Contract Act of 1965, as amended, under which substantially the same services were furnished and service employees were paid wages and fringe benefits provided for in a collective bargaining agreement, then in the absence of a minimum wage attachment for this contract neither the Contractor nor any subcontractor under this contract shall pay any service employee performing any of the contract work less than the wages and fringe benefits, provided for in such collective bargaining agreements, to which such employee would be entitled if employed under the predecessor contract, including accrued wages and fringe benefits and any prospective increases in wages and fringe benefits provided for under such agreement. No Contractor or subcontractor under this contract may be relieved of the foregoing obligation unless the Secretary of Labor or his authorized representative determines that the collective bargaining agreement applicable to service employees employed under the predecessor contract was not entered into as a result of arms-length negotiations, or finds, after a hearing as provided in Department of Labor regulations, 29 CFR 4.10, that the wages and fringe benefits provided for in such agreement are substantially at variance with those which prevail for services of a character similar in the locality.

(f) *Notification to employees.* The Contractor and any subcontractor under this contract shall notify each service employee commencing work on this contract of the minimum monetary wage and any fringe benefits required to be paid pursuant to this contract, or shall post a notice of such wages and benefits in a prominent and accessible place at the worksite, using such poster as may be provided by the Department of Labor.

(g) *Safe and sanitary working conditions.* The Contractor or subcontractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the Contractor or subcontractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services, and the Contractor or subcontractor shall comply with the safety and health standards applied under 29 CFR Part 1925.

(h) *Records.* The Contractor and each subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work records containing the information specified in subparagraphs (1) through (5) of this paragraph for each employee subject to the Act and shall make them available for inspection and transcription by authorized representatives of the Employment Standards Administration of the U.S. Department of Labor.

(1) His name and address.

(2) His work classification or classifications, rate or rates of monetary wages and fringe benefits provided, rate or rates of fringe benefit payments in lieu thereof, and total daily and weekly compensation.

(3) His daily and weekly hours so worked.

(4) Any deductions, rebates, or refunds from his total daily or weekly compensation.

(5) A list of monetary wages and fringe benefits for those classes of service employees not included in the minimum wage attachment to this contract, but for which such wage rates or fringe benefits have been determined by the interested parties or by the Administrator or his authorized representative pursuant to the Labor Standards clause in paragraph (a) of this clause. A copy of the report required in paragraph (m)(1) of this clause shall be deemed to be such a list.

(i) *Withholding of payment and termination of contract.* The Contracting Officer shall withhold or cause to be withheld from the Government Prime Contractor under this or any other Government contract with the Prime Contractor such sums as he, or an appropriate officer of the Department of Labor, decides may be necessary to pay underpaid employees. Additionally, any failure to comply with the requirements of this clause relating to the Service Contract Act of 1965 may be grounds for termination of the right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of

the work, charging the Contractor in default with any additional cost.

(j) *Subcontractors.* The Contractor agrees to insert this clause relating to the Service Contract Act of 1965 in all subcontracts. The term "Contractor" as used in this clause in any subcontract, shall be deemed to refer to the subcontractor, except in the term "Government Prime Contractor."

(k) *Service employee.* As used in this clause relating to the Service Contract Act of 1965, the term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a Contractor or subcontractor and such persons.

(l) *Comparable rates.* The following classes of service employees expected to be employed under the contract with the Government would be subject, if employed by the contracting agency, to the provisions of 5 U.S.C. 5341 and would, if so employed, be paid not less than the following rates of wages and fringe benefits:

Employee class.

Monetary Wage—Fringe Benefits.

(m) *Contractor's report.* (1) If there is a wage determination attachment to this contract and one or more classes of service employees which are not listed thereon are to be employed under the contract, the Contractor shall report to the Contracting Officer the monetary wages to be paid and the fringe benefits to be provided each such class of service employee. Such report shall be made promptly as soon as such compensation has been determined, as provided in paragraph (a) of this clause.

(2) If wages to be paid or fringe benefits to be furnished any service employees employed by the Government prime Contractor or any subcontractor under the contract are provided for in a collective bargaining agreement which is or will be effective during any period in which the contract is being performed, the Government prime Contractor shall report such fact to the Contracting Officer, together with full information as to the application and accrual of such wages and fringe benefits, including any prospective increases, to service employees engaged in work on the contract, and a copy of the collective bargaining agreement. Such report shall be made upon commencing performance of the contract, in the case of collective bargaining agreements effective at such time, and in the case of such agreements or provisions or amendments thereof effective at a later time during the period of contract performance, such agreements shall be reported promptly after negotiation thereof.

(n) *Exemptions.* This clause relating to the Service Contract Act of 1965 shall not apply to the following:

(1) Any contract of the United States or District of Columbia for construction, alteration, and/or repair, including painting and decorating of public buildings or public works;

(2) Any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036);

(3) Any contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line, or oil or gas pipeline where published tariff rates are in effect, or where such carriage is subject to rates covered by section 22 of the Interstate Commerce Act;

(4) Any contract for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Communications Act of 1934;

(5) Any contract for public utility services, including electric light and power, water, steam, and gas;

(6) Any employment contract providing for direct services to a Federal agency by an individual or individuals;

(7) Any contract with the Post Office Department (U.S. Postal Service), the principal purpose of which is the operation of postal contract stations;

(8) Any services to be furnished outside the United States. For geographic purposes, the "United States" is defined in section 8(d) of the Service Contract Act to include any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands, as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, and Johnston Island. It does not include any other territory under the jurisdiction of the United States or any United States base or possession within a foreign country;

(9) Any of the following contracts exempted from all provisions of the Service Contract Act of 1965, pursuant to section 4(b) of the Act, which exemptions the Secretary of Labor, prior to amendment of such section by Public Law 92-473, found to be necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business:

(i) Contracts entered into by the United States with common carriers for the carriage of mail by rail, air (except air star routes), bus, and ocean vessel, where such carriage is performed on regularly scheduled runs of the trains, airplanes, buses, and vessels over regularly established routes and accounts for an insubstantial portion of the revenue therefrom;

(ii) Any contract entered into by the U.S. Postal Service with an individual owner-operator for mail service where it is not contemplated at the time the contract is made that such owner-operator will hire any service employee to perform the services under the contract except for short periods of vacation time or for unexpected contingencies or emergency situations such as illness or accident.

(o) *Special employees.* Notwithstanding any of the provisions in paragraphs (b) through (l) of this clause, relating to the Service Contract Act of 1965, the following employees may be employed in accordance with the following variations, tolerances, and exemptions, which the Secretary of Labor, pursuant to section 4(b) of the Act prior to its amendment by Public Law 92-473, found to be necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business:

(1) (i) Apprentices, student-learners, and workers whose earning capacity is impaired by age, physical, or mental deficiency or injury may be employed at wages lower than the minimum wages otherwise required by section 2(a)(1) or 2(b)(1) of the Service Contract Act of 1965, without diminishing any fringe benefits or cash payments in lieu thereof required under section 2(a)(2) of that Act, in accordance with the procedures prescribed for the employment of apprentices, student-learners, handicapped persons, and handicapped clients of sheltered workshops under section 14 of the Fair Labor Standards Act of 1938, in the regulations issued by the Administrator.

(ii) The Administrator will issue certificates under the Service Contract Act of 1965 for the employment of apprentices, student-learners, handicapped persons, or handicapped clients of sheltered workshops not subject to the Fair Labor Standards Act of 1938, or subject to different minimum rates of pay under the two acts, authorizing appropriate rates of minimum wages (but without changing requirements concerning fringe benefits or supplementary cash payments in lieu thereof), applying procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act of 1938 (29 CFR Parts 520, 521, 524, and 525);

(iii) The Administrator will also withdraw, annul, or cancel such certificates in accordance with the regulations in Parts 525 and 528 of Title 29 of the Code of Federal Regulations.

(2) An employee engaged in an occupation in which he customarily and regularly receives more than $20 a month in tips may have the amount of his tips credited by his employer against the minimum wage required by section 2(a)(1) or section 2(b)(1) of the Act in accordance with the regulations in 29 CFR Part 531: *Provided, however,* That the amount of such credit may not exceed 80 cents per hour.

f. Section 1-12.904-2 is amended to revise the clause prescribed by the section.

§ 1-12.904-2 Clause for Federal service contracts not exceeding $2,500.

* * * * *

SERVICE CONTRACT ACT OF 1965, AS AMENDED

Except to the extent that an exemption, variation, or tolerance would apply pursuant to 29 CFR 4.6 if this were a contract in excess of $2,500, the Contractor and any subcontractor hereunder shall pay all of his employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. All regulations and interpretations of the Service Contract Act of 1965 expressed by 29 CFR Part 4 are hereby incorporated by reference in this contract.

g. Section 1-12.905-2 is revised to read as follows:

§ 1-12.905-2 Register of wage determinations and fringe benefits.

(a) The minimum monetary wages and fringe benefits for service employees which the Act requires to be specified in contracts and bid specifications subject to section 2(a) thereof will be set forth in wage determinations issued by the Administrator as an orderly series constituting a register of such minimum wages and fringe benefits. The register shall include, as soon as administratively feasible, wage determinations applicable to all contracts subject to section 2(a) of the Act, and will include, in any event, for the localities in which services under such contracts are to be furnished, wage determinations applicable to all contracts entered into during the following years under which more than the stated number of service employees are to be employed: (1) Fiscal year ending June 30, 1973—25; (2) ending June 30, 1974—20; (3) ending June 30, 1975—15; (4) ending June 30, 1976—10; (5) ending June 30, 1977, and for each fiscal year thereafter—5.

(b) Such wage determinations will set forth, for the various classes of service employees to be employed in furnishing

services under such contracts in the several localities, minimum monetary wage rates to be paid and minimum fringe benefits to be furnished them during the periods when they are engaged in the performance of such contracts, including, where appropriate under the Act, provisions for adjustments in such minimum rates and benefits to be placed in effect under such contracts at specified future times. The wage rates and fringe benefits set forth in such wage determinations shall be determined in accordance with the provisions of sections 2(a) (1), (2), and (5), 4(c), and 4(d) of the Act from those prevailing in the locality for such employees and from pertinent collective bargaining agreements, with due consideration of the rates that would be paid for direct Federal employment of any classes of such employees whose wages, if federally employed, would be determined as provided in 5 U.S.C. 5341. Unless otherwise specified in the wage determination, the wage rates and fringe benefits so determined for any class of service employees to be engaged in furnishing covered contract services in a locality shall be made applicable by contract to all service employees of such class employed to perform such services in the locality under any contract subject to section 2(a) of the Act which is entered into thereafter and before such determination has been rendered obsolete by a withdrawal, modification, or supersedure.

(c) Wage determinations included in the register will be available for public inspection during business hours at the Office of Special Wage Standards in the Employment Standards Administration, U.S. Department of Labor, and copies will be made available on request at regional offices of the Administration.

h. Section 1–12.905–3 is revised to read as follows:

§ 1–12.905–3 Notice of intention to make a service contract.

(a) Not less than 30 days prior to any invitation for bids, request for proposals, or commencement of negotiations for any contract exceeding $2,500 which may be subject to the Act, the contracting agency shall file with the Office of Special Wage Standards, Employment Standards Administration, Department of Labor, its notice of intention to make a service contract. Such notice shall be submitted on Standard Form 98, Notice of Intention to Make a Service Contract, which shall be completed in accordance with the instructions provided and shall be supplemented by the information required under paragraphs (b) and (c) of this section. Supplies of Standard Form 98 are available in all GSA supply depots under stock number 7540–926–8972.

(b) The contracting agency shall file with its Notice of Intention to Make a Service Contract (SF–98) a statement in writing containing the following information concerning the service employees expected by the agency to be employed by the contractor and any subcontractors in performing the contract:

(1) The number of such employees of all classes, or a statement indicating whether such number will or will not exceed the number for which a wage determination is mandatory under the provisions of 29 CFR 4.3(a); and

(2) A listing of those classes of service employees expected to be employed under the contract which, if employed by the agency, would be subject to the wage provisions of 5 U.S.C. 5341, together with a specification of the rates of wages and fringe benefits that would be paid by the Government to employees of each such class if such statute were applicable to them. (Under section 2(a) (5) of the Act and 29 CFR 4.6, inclusion of such a statement in the service contract is required.)

(c) If the services to be furnished under the proposed contract will be substantially the same as services being furnished for the same location by an incumbent contractor whose contract the proposed contract will succeed, and if such incumbent contractor is furnishing such services through the use of service employees whose wage rates and fringe benefits are the subject of one or more collective bargaining agreements, the contracting agency shall file with its Notice of Intention to Make a Service Contract (SF–98) a copy of each such collective bargaining agreement together with any related documents specifying the wage rates and fringe benefits currently or prospectively payable under such agreement. If such services are being furnished for more than one location and the collectively bargained wage rates and fringe benefits are different for different locations or do not apply for one or more locations, the agency shall identify the locations to which such agreements have application. In the event that the agency has reason to believe that any such collective bargaining agreement was not entered into as a result of arms-length negotiations, a full statement of the facts so indicating shall be transmitted with the copy of such agreement. If the agency has information indicating that any such collectively bargained wage rates and fringe benefits are substantially at variance with those prevailing for services of a similar character in the locality, the agency shall so advise the Office of Special Wage Standards and, if it believes a hearing thereon pursuant to section 4(c) of the Act is warranted, shall file its request for such hearing pursuant to 29 CFR 4.10 at the time of filing the Notice of Intention to Make a Service Contract (SF–98).

(d) Any Standard Form 98 submitted by a contracting agency without the information required under paragraphs (b) and (c) of this section will be returned to the agency for further action.

(e) If exceptional circumstances prevent the filing of the notice of intention and supplemental information required by this section on a date at least 30 days prior to any invitation for bids, request for proposals, or commencement of negotiations for a proposed contract subject to section 2(a) of the Act, the notice shall be submitted to the Office of Special Wage Standards as soon as practicable with a detailed explanation of the special circumstances which prevented timely submission.

i. Section 1–12.905–4 is revised to read as follows:

§ 1–12.905–4 Use of minimum wage determinations and fringe benefit specifications.

(a) Any contract agreed upon in excess of $2,500 shall contain an attachment specifying the minimum wages and fringe benefits for service employees to be employed thereunder, as determined in any applicable currently effective wage determination made and included in the register including any expressed in any document referred to in subparagraph (1) or (2) of this paragraph (a):

(1) Any communication from the Office of Special Wage Standards, Employment Standards Administration, Department of Labor, responsive to the notice required by 29 CFR 4.4; or

(2) Any revision of the register by a wage determination issued prior to the award of the contract or contracts which specifies minimum wage rates or fringe benefits for classes of service employees whose wages or fringe benefits were not previously covered by wage determinations in the register, or which changes previously determined minimum wage rates and fringe benefits for service employees employed on covered contracts in the locality. However, revisions received by the Federal agency later than 10 days before the opening of bids, in the case of contracts entered into pursuant to competitive bidding procedures, shall not be effective if the Federal agency finds that there is not a reasonable time still available to notify bidders of the revision.

(b) (1) The following exemptions from the compensation requirements of section 2(a) of the Act apply, subject to the limitations set forth in subparagraphs (2), (3), and (4) of this paragraph (b): To avoid serious impairment of the conduct of Government business it has been found necessary and proper to provide exemption (i) from the determined wage and fringe benefits section of the Act (sections 2(a) (1) and (2)), but not the minimum wage specified under section 6(a) (1) of the Fair Labor Standards Act of 1938, as amended (section 2(b) of this Act), of all contracts for which no such wage or fringe benefit has been determined for any class of service employees to be employed thereunder; and (ii) from the fringe benefits section (section 2(a) (2) of the Act) of al contracts and of all classes of service employees employed thereunder if no such benefits have been determined for any such class of service employees.

(2) The exemptions provided in subparagraph (1) of this paragraph (b), which were adopted pursuant to section 4(b) of the Act prior to its amendment by Public Law 92–473, do not extend to undetermined wages or fringe benefits in contracts for which one or more, but not all, classes of services employees are the

subject of an applicable wage determination. The procedure for determination of wage rates and fringe benefits for any classes of service employees engaged in performing such contracts whose wages and fringe benefits are not specified in a wage determination included in the register is set forth in 29 CFR 4.6(b).

(3) The exemptions provided in subparagraph (1) of this paragraph (b) do not apply to any contract for which section 10 of the Act, as amended, and 29 CFR 4.3 require an applicable wage determination.

(4) The exemptions provided in subparagraph (1) of this paragraph (b) do not exempt any contract from the application of the provisions of section 4(c) of the Act, as ameneded.

(c) If the notice of intention required by 29 CFR 4.4 is not filed with the required supporting documents within the time provided in such section, the contracting agency shall exercise any and all of its power that may be needed (including, where necessary, its power to negotiate, its power to pay any necessary additional costs, and its power under any provision of the contract authorizing changes) to include in the contract any wage determinations communicated to it within 30 days of the filing of such notice or of the discovery by the Employment Standards Administration, U.S. Department of Labor, of such omission.

j. Section 1–12.90–6 is amended, as follows:

§ 1–12.905–6 Notice of award.

Whenever an agency of the United States shall award a contract which may be in excess of $2,500 subject to the Act, it shall furnish the Office of Special Wage Standards, ESA, an original and one copy of Standard Form 99, Notice of Award of Contract. The form shall be completed as follows:

* * * * *

k. Section 1–12.905–11 is added, as follows:

§ 1–12.905–11 Hearings.

Detailed procedures with respect to hearings arising under questions pertaining to this Subpart 1–12.9 are contained in 29 CFR 4.10.

6. *Agency action.* The appropriate clause prescribed by this regulation shall be (1) included in all solicitations issued on or after the effective date of the regulation, as provided therein, and (2) incorporated, if acceptable to prospective contractors, in contracts awarded on or after the effective date of the regulation if the clause was not included in the related solicitations. Where the appropriate clause was not included in the solicitation and the prospective contractor declines to accpt the clause, the matter shall be handled in the manner deemed appropriate by the agency.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

DECEMBER 12, 1972.

[FR Doc. 72-21690 Filed 12-14-72;8:51 am]

Chapter 4—Department of Agriculture

PART 4–1—GENERAL

Procurement

This amendment involves matters relating to agency management which are not subject to the notice and public procedure requirements for rule making under 5 U.S.C. 553 or Secretary's Statement of Policy (36 F.R. 13804).

1. Section 4–1.453(d) is revised to read as follows:

§ 4–1.453 Delegation of authority for automatic data processing equipment services, and related supplies.

* * * * *

(d) Any agreement entered into by any agency, service, or staff office of the U.S. Department of Agriculture with other Government departments, agencies, corporations, or other independent entities or organizations of the Federal Government, State, or local governments, as well as nonprofit corporations, universities, and other organizations for automatic data processing services, equipment, training, facilities or other ADP resources or materials, directly or indirectly (as a part of an agreement whose primary purpose is other than automatic data processing), must have the written approval of the Director of Information Systems unless the agreement falls within one of the following exceptions:

(1) Is with a USDA computer center;

(2) Is with another Federal agency and the ADP service; involved will be accomplished at a USDA computer center;

(3) Is with NASA for work under the ERTS program;

(4) Is for services where the total dollar value of the ADP services involved does not exceed $25,000.

Done at Washington, D.C., this 12th day of December 1972.

This notice is effective upon publication in the FEDERAL REGISTER (12–15–72).

MELVIN COPEN,
Director, Office of Information Systems.

[FR Doc.72-21622 Filed 12-14-72;8:50 am]

Title 45—PUBLIC WELFARE

Chapter VI—National Science Foundation

PART 601—CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL

The following regulations are issued pursuant to Executive Order 11652 of March 8, 1972 (37 F.R. 5209), entitled "Classification and Declassification of National Security Information and Material" and the National Security Council Directive of May 17, 1972, implementing that Executive order.

The National Science Foundation Document Security Manual has been approved by the Interagency Classification Review Committee; the following parts thereof affecting the public are published as required by the above-cited Executive order and directive.

Dated: December 8, 1972.

E. CREUTZ,
Acting Director.

Sec.
601.1 Purpose.
601.2 Authority to classify.
601.3 Review of classified material for declassification purposes.
601.4 Agency committee.
601.5 Access by historical researchers.

AUTHORITY: The provisions of this Part 601 issued pursuant to Executive Order 11652 (37 F.R. 5209).

§ 601.1 Purpose.

These regulations set forth the provisions of the National Science Foundation Document Security Manual to the extent they affect the general public.

§ 601.2 Authority to classify.

(a) *Authority.* Section 2, Executive Order 11652 authorizes the Director of the National Science Foundation to originally classify documents Secret or Confidential. This authority may be delegated to those principal deputies or assistants whom the Director may designate in writing.

(b) *Delegations.* None.

(c) *Classification*—(1) *Classification according to content.* Each document will be carefully examined and classified according to its content. A doument will not be classified based solely on its relationship to another document; however, a document in which are included verbatim or clear paraphrased extracts from another classified document shall itself be classified at least as high as the document from which the extract was made. References to classified material which do not quote from such material or otherwise reveal classified defense information shall not be classified.

(2) *Unnecessary classification and overclassification.* Each person possessing classifying authority shall be held accountable for the propriety of the classifications attributed to him. Both unnecessary classification and overclassification shall be avoided. Classification shall be solely on the basis of national security considerations. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to a person, office or division, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security.

(d) *Identification.* At the time of origination, each document or other material containing classified information shall be marked with its assigned security classification and whether it is subject to or exempt from the General Declassification Schedule. The person at the

highest level authorizing the classification must be identified on the face of the information or material classified, unless the identity of such person might disclose sensitive intelligence information. In the latter instance the Security Officer (Information) shall establish some other record by which the classifier can readily be identified.

§ 601.3 Review of classified material for declassification purposes.

(a) *Systematic reviews.* All information and material classified after the effective date of the Executive Order 11652, and determined in accordance with Chapter 21, 44 U.S.C. (82 Stat. 1287) to be of sufficient historical or other value to warrant preservation shall be systematically reviewed on a timely basis by each Directorate having custody for the purpose of making such information and material publicly available in accordance with the determination regarding declassification made by the classifier under section 5 of Executive Order 11652. During each calendar year each Directorate shall segregate to the maximum extent possible all such information and material warranting preservation and becoming declassified at or prior to the end of such year. Promptly after the end of such year the Directorate responsible, or the Archives of the United States if transferred thereto, shall make the declassified information and material available to the public to the extent permitted by law.

(b) *Review for declassification of classified material over 10 years old.* The Foundation shall designate in its implementing regulations an office to which members of the public or Directorates may direct requests for mandatory review for declassification under section 5 (C) and (D) of Executive Order 11652. This office shall in turn assign the request to the appropriate office for action. In addition, this office or the office which has been assigned action shall immediately acknowledge receipt of the request in writing. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to Title 5 of the Independent Office Appropriations Act, 1952, 65 Stat. 290, 31 U.S.C. 483a the requester shall be so notified. The office which has been assigned action shall thereafter make a determination within 30 days of receipt or shall explain the reasons why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the departmental committee established by section 7(B) of Executive Order 11652 for a determination. Should the office assigned action on a request for review determine that under criteria set forth in section 5(B) of the Executive order continued classification is required, the requester shall promptly be notified, and whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the departmental committee and the notice of determination shall advise him of this right.

(c) *Agency (Foundation) committee review for declassification.* The agency (Foundation) committee shall establish procedures to review and act within 30 days upon all applications and appeals regarding requests for declassification. The Director acting through the agency committee shall be authorized to overrule previous determinations in whole or in part when, in his judgment, continued protection is no longer required. If the departmental committee determines that continued classification is required under the criteria of section 5(B) of Executive Order 11652 it shall promptly so notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee.

(d) *Review of classified material over 30 years old.* A request by a member of the public or by a Directorate, under section 5 (C) or (D) of Executive Order 11652 to review for declassification, documents more than 30 years old shall be referred directly to the Archivist of the United States, and he shall have the requested documents reviewed for declassification in accordance with section 5(E) (2) EO 11652. If the information or material requested has not been transferred to the General Services Administration for accession into the Archives, the Archivist shall, together with the Director of the Foundation, have the requested documents reviewed for declassification. Classification shall be continued in either case only where the Director of the National Science Foundation makes at that time the personal determination required by section 5(E) (1) of Executive Order 11652. The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(e) *Burden of proof for administrative determinations.* For purposes of administrative determinations under paragraphs (b), (c), or (d) of this section the burden of proof is on the originating office to show that continued classification is warranted within the terms of Executive Order 11652.

(f) *Availability of declassified material.* Upon a determination under paragraphs (b), (c), or (d) of this section that the requested material no longer warrants classification it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under section 552(b) of Title 5 U.S.C. (Freedom of Information Act) or other provision of law.

(g) *Classification review requests.* As required by section 5(C) of Executive Order 11652, a request for classification review must describe the document with sufficient particularity to enable the Foundation to identify it and obtain it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the ground that is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

(h) *Reviews directed to security officer (information).* Requests for review will be directed to the Security Officer (Information), National Science Foundation, 1800 G Street NW., Washington, DC 20550. Information or material which no longer qualifies for exemption under paragraph (b) of this section shall be declassified. Information or material continuing to qualify under paragraph (b) of this section shall be so marked and, unless impossible, a date for automatic declassification shall be set.

(i) *Classified document custodians.* Classified document custodians will conduct a continuing review of material in their possession to identify those documents that are eligible for automatic downgrading or declassification. When such documents are identified, custodians will notify the security officer (information) that the documents have been downgraded or declassified in accordance with the General Declassification Schedule and will request that the official document control record be changed to reflect the change in classification.

(j) *Review by the security officer (information).* Either on his own volition, or at the request of classifying or other reviewing authority, the security officer may review classified material and recommend that it be downgraded or declassified. Requests for review are made by written application to the security officer, substantially as follows:

The material identified below (or attached) has been reviewed with respect to the security classification assigned, and it is recommended that the material be changed from (state present classification) to (state recommended classification). (Include appropriate explanation or justification.)

When it is determined that the existing classification is no longer appropriate, consent of the classifying authority is obtained to downgrade or declassify, and issue appropriate notification thereof. Consent to change the classification of material which originated outside the Foundation must be obtained from the head of the originating department or agency. This procedure applies similarly to the downgrading or declassifying of extracts from or paraphrases of classified documents, unless the person making such extracts or paraphrases knows positively that they warrant a classification which differs from that of the document extracted from or paraphrased, or that they need not be classified.

§ 601.4 Agency committee.

A Foundation committee is established to oversee the implementation and administration of the Foundation's document security program.

(a) *Chairman.* The security officer (information) serves as chairman of the Foundation committee.

(b) *Membership.* Each Assistant Director and the heads of other offices reporting to the Director are represented on the committee by one senior official.

(c) *Responsibilities.* The committee will:

(1) Meet within 60 days of establishment and thereafter as necessary as determined by the Chairman who shall be responsive to member's requirements.

(2) Take such actions as deemed necessary to insure uniform compliance with Executive Order 11652 and Foundation regulations.

(3) Consider complaints and suggestions from persons within the Foundation including those regarding overclassification, failure to declassify, or delays in declassifying.

(4) Review appeals for records under section 550 of Title 5 U.S.C. (Freedom of Information Act) when the proposed denial is based on their continued classification under EO 11652.

(5) Recommending to the Director, NSF, through AD/A, appropriate administrative action to correct abuse or violation of EO 11652 and National Science Foundation security regulations including notification by warning letter, formal reprimand and to the extent permitted by law, suspension without pay, and removal.

§ 601.5 Access by historical researchers.

(a) *Authorization.* Persons outside the executive branch engaged in historical research projects may be authorized access to classified information or material provided that the Director of the Foundation determines that:

(1) The project and access sought conform to the requirements of section 12 of the Executive Order 11652.

(2) The information of material requested is reasonably accessible and can be located and compiled with a reasonable amount of effort.

(3) The historical researcher agrees to safeguard the information or material in a manner consistent with Executive Order 11652 and directives thereunder.

(4) The historical researcher agrees to authorize a review of his notes and manuscript for the sole purpose of determining that no classified information or material is contained therein.

(b) *Termination.* An authorization for access shall be valid for the period required but no longer than 2 years from the date of issuance unless renewed under regulations of the Foundation.

(c) *Former presidential employees.* Persons who previously occupied policy-making positions to which they were appointed by the President, other than those referred to in section 11 of the order, may be authorized access to classified information or material which they originated, reviewed, signed, or received while in public office. Upon the request of any such former offical, such information and material as he may identify shall be reviewed for declassification in accordance with the provisions of section 5 of the order.

[FR Doc.72-21599 Filed 12-14-72;8:49 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1973 Crop of Upland Cotton; Base Acreage Allotments

STATE RESERVES AND COUNTY BASE ACREAGE ALLOTMENTS

Section 722.467 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1973 crop of upland cotton (referred to as "cotton"). The purpose of this section is to establish State reserves, allocate the State reserves to counties, and establish county base acreage allotments (referred to as "county allotments"). Determinations with respect to the State reserves and county allotments were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (35 F.R. 19798, 36 F.R. 6907, 37 F.R. 624, 3845, 22008).

Notice that the Secretary was preparing to make determinations with respect to the above provisions was published in the FEDERAL REGISTER (37 F.R. 18923, 20119) in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered

In order that farmers may be informed as soon as possible of 1973 farm base acreage allotments so that they may make plans for their 1973 farming operations, it is essential that this section be made effective immediately. Accordingly, § 722.467 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.467 State reserve and county allotments for the 1973 crop of cotton.

(a) *State reserves.* The total State reserve for all uses established by the State committee shall not exceed 2 percent of the State allotment available for distribution to counties in the State. The allotment available for distribution shall be the State's share of the national allotment less the allotment in the State productivity pool attributable to history acreage pooled as a result of productivity adjustments under section 344a(f) of the act. The State committee may determine that no reserve for any one or more uses, or all uses, specified under section 350(c) of the act, shall be established. It is hereby determined that no State reserve for abnormal conditions is required, and the reserve for each State shall be established and allocated among uses as shown in the following table. The table also sets forth the allotment in the State productivity pool which shall not be allocated to counties and farms.

State	State productivity pool	Total State reserve	Allocation from State reserve for:			
			Trends	Small farms	Inequity and hardship cases	New farms and correction of errors
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Acres*
Alabama	12,712	24.6				24.6
Arizona	1,917	9.9				9.9
Arkansas	17,678	120.1	93.8			26.3
California	2,750	10.0				10.0
Florida	1,247	136.9				136.9
Georgia	16,285	120.4				120.4
Illinois	54					
Kansas						
Kentucky	33	59.0			25.0	34.0
Louisiana	12,992	6,705.8	6,705.8			
Mississippi	15,233	18,800.1	18,750.0			50.1
Missouri	313	23.8				23.8
Nevada	−30					
New Mexico	333	19.8				19.8
North Carolina	1,437	5,385.7	5,235.7			150.0
Oklahoma	6,465	477.4	312.9			164.5
South Carolina	5,103	606.9	506.9			100.0
Tennessee	2,699	6,480.8	6,430.8			50.0
Texas	79,418	5,228.3	4,395.3			833.0
Virginia	20	185.3		90.0	90.0	5.3
U.S. total	176,659	44,394.8	42,431.2	90.0	115.0	1,758.6

(b) *Apportionment of State allotment to counties*—(1) *Computed county allotment.* The State allotment less the allotment in the State productivity pool and the State reserve is apportioned among counties in the State on the basis of the acreage planted (including acreage regarded as having been planted) to cotton within the farm acreage allotment during 1967, 1968, 1969, and 1970 and the farm base acreage allotment during 1971, adjusted for abnormal weather conditions or other natural disaster. It is hereby determined that no adjustments for abnormal weather conditions or other natural disaster are required. The acreage apportioned under this paragraph is referred to as the computed county allotment.

(2) *County allotments.* The county allotment is the sum of the computed county allotment and allocation to the county from the State reserve for trends. The following table sets forth the county allotment and allocations from the State reserve.

ALABAMA

County	Computed county allotment	Allocation from State reserves for trends	County Allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Autauga	5,846.5	0	5,846.5	0	0
Baldwin	1,637.7	0	1,637.7	0	0
Barbour	7,938.7	0	7,938.7	0	0
Bibb	2,310.0	0	2,310.0	0	0
Blount	9,989.0	0	9,989.0	0	0
Bullock	4,875.5	0	4,875.5	0	0
Butler	5,490.4	0	5,490.4	0	0
Calhoun	4,007.5	0	4,007.5	0	0
Chambers	4,481.8	0	4,481.8	0	0
Cherokee	13,031.0	0	13,031.0	0	0
Chilton	5,571.0	0	5,571.0	0	0
Choctaw	6,633.1	0	6,633.1	0	0
Clarke	3,317.7	0	3,317.7	0	0
Clay	1,101.3	0	1,101.3	0	0
Cleburne	1,092.8	0	1,092.8	0	0
Coffee	10,303.9	0	10,303.9	0	0
Colbert	13,305.1	0	13,305.1	0	0
Conecuh	7,155.0	0	7,155.0	0	0
Coosa	627.0	0	627.0	0	0
Covington	9,121.1	0	9,121.1	0	0
Crenshaw	5,729.7	0	5,729.7	0	0
Cullman	19,645.8	0	19,645.8	0	0
Dale	4,622.3	0	4,622.3	0	0
Dallas	15,854.4	0	15,854.4	0	0
De Kalb	18,817.2	0	18,817.2	0	0
Elmore	9,348.6	0	9,348.6	0	0
Escambia	6,220.6	0	6,220.6	0	0
Etowah	7,017.6	0	7,017.6	0	0
Fayette	5,249.6	0	5,249.6	0	0
Franklin	7,918.3	0	7,918.3	0	0
Geneva	11,369.2	0	11,369.2	0	0
Greene	7,770.0	0	7,770.0	0	0
Hale	8,915.2	0	8,915.2	0	0
Henry	9,295.6	0	9,295.6	0	0
Houston	15,469.2	0	15,469.2	0	0
Jackson	14,320.3	0	14,320.3	0	0
Jefferson	2,069.7	0	2,069.7	0	0
Lamar	6,331.8	0	6,331.8	0	0
Lauderdale	10,469.1	0	10,469.1	0	0
Lawrence	23,804.3	0	23,804.3	0	0
Lee	6,650.1	0	6,650.1	0	0
Limestone	32,823.3	0	32,823.3	0	0
Lowndes	6,152.6	0	6,152.6	0	0
Macon	9,202.7	0	9,202.7	0	0
Madison	33,501.6	0	33,501.6	0	0
Marengo	9,017.8	0	9,017.8	0	0
Marion	7,694.7	0	7,694.7	0	0
Marshall	17,410.7	0	17,410.7	0	0
Mobile	1,633.0	0	1,633.0	0	0
Monroe	10,695.7	0	10,695.7	0	0
Montgomery	5,855.3	0	5,855.3	0	0
Morgan	10,693.2	0	10,693.2	0	0
Perry	6,490.6	0	6,490.6	0	0
Pickens	8,763.7	0	8,763.7	0	0
Pike	8,043.7	0	8,043.7	0	0
Randolph	3,465.3	0	3,465.3	0	0
Russell	5,691.5	0	5,691.5	0	0
St. Clair	2,249.2	0	2,249.2	0	0
Shelby	3,714.3	0	3,714.3	0	0
Sumter	8,142.1	0	8,142.1	0	0
Talladega	7,248.7	0	7,248.7	0	0
Tallapoosa	4,159.7	0	4,159.7	0	0
Tuscaloosa	9,621.2	0	9,621.2	0	0
Walker	2,992.7	0	2,992.7	0	0
Washington	1,461.4	0	1,461.4	0	0
Wilcox	6,395.4	0	6,395.4	0	0
Winston	4,062.0	0	4,062.0	0	0

ARIZONA

County	Computed county allotment	Allocation from State reserves for trends	County Allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Cochise	9,531.0	0	9,531.0	0	0
Gila	23.9	0	23.9	0	0
Graham	5,444.0	0	5,444.0	0	0
Greenlee	1,074.0	0	1,074.0	0	0
Maricopa	75,034.9	0	75,034.9	0	0
Mohave	219.1	0	219.1	0	0
Pima	11,701.3	0	11,701.3	0	0
Pinal	81,957.3	0	81,957.3	0	0
Santa Cruz	258.9	0	258.9	0	0
Yavapai	8.0	0	8.0	0	0
Yuma	20,280.7	0	20,280.7	0	0

ARKANSAS

Arkansas	5,946.3	2.1	5,948.4	0	0
Ashley	16,761.0	0	16,761.0	0	0
Baxter	6.4	0.7	0.1	0	0
Bradley	1,469.7	0.5	1,470.2	0	0
Calhoun	1,087.1	0	1,087.1	0	0
Chicot	21,310.8	0	21,310.8	0	0
Clark	1,695.9	0	1,695.9	0	0
Clay	24,448.0	0	24,448.0	0	0
Cleburne	419.4	0	419.4	0	0
Cleveland	960.0	0	960.0	0	0
Columbia	2,091.2	0	2,091.2	0	0
Conway	3,362.0	0	3,362.0	0	0
Craighead	51,097.0	0	51,097.0	0	0
Crawford	16.3	0.2	16.5	0	0
Crittenden	60,304.1	0	60,304.1	0	0
Cross	23,620.8	0	23,620.8	0	0
Dallas	1,001.5	0	1,001.5	0	0
Desha	27,452.0	0	27,452.0	0	0
Drew	8,660.2	0	8,660.2	0	0
Faulkner	4,001.8	0	4,001.8	0	0
Franklin	243.4	0.3	243.7	0	0
Fulton	100.9	0	100.9	0	0
Grant	48.0	0	48.0	0	0
Greene	23,560.8	9.6	23,570.4	0	0
Hempstead	1,855.1	0	1,855.1	0	0
Hot Spring	0	0	0	0	0
Howard	578.6	0	578.6	0	0
Independence	2,225.4	6.4	2,231.8	0	0
Izard	235.0	0	235.0	0	0
Jackson	23,745.9	0	23,745.9	0	0
Jefferson	45,403.6	0	45,403.6	0	0
Johnson	494.6	0	494.6	0	0
Lafayette	8,643.1	0	8,643.1	0	0
Lawrence	12,300.4	0	12,300.4	0	0
Lee	30,082.8	0	30,082.8	0	0
Lincoln	19,676.1	18.0	19,694.1	0	0
Little River	2,848.4	0	2,848.4	0	0
Logan	709.4	2.9	709.3	0	0
Lonoke	29,661.7	0	29,661.7	0	0
Marion	1.8	0	1.8	0	0
Miller	5,454.9	16.6	5,471.5	0	0
Mississippi	112,750.0	0	112,750.0	0	0
Monroe	21,062.8	0	21,062.8	0	0
Nevada	517.5	0	517.5	0	0
Newton	0	0	0	0	0
Ouachita	1,323.2	0	1,323.2	0	0
Perry	519.5	0	519.5	0	0
Phillips	50,953.9	0	50,953.9	0	0
Pike	100.8	0	100.8	0	0
Poinsett	52,422.6	0	52,422.6	0	0
Pope	1,433.2	3.9	1,437.1	0	0

ARKANSAS—Continued

County	Computed county allotment	Allocation from State reserves for trends	County Allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Prairie	5,273.5	0	5,273.5	0	0
Pulaski	10,491.7	20.4	10,512.1	0	0
Randolph	5,722.3	0	5,722.3	0	0
St. Francis	40,367.7	0	40,367.7	0	0
Scott	10.6	0	10.6	0	0
Searcy	86.7	0	86.7	0	0
Sebastian	86.9	0	86.9	0	0
Sevier	102.3	0	102.3	0	0
Sharp	219.8	0	219.8	0	0
Union	29.2	2.8	32.0	0	0
Van Buren	109.0	8.3	117.3	0	0
Washington	1.5	1.1	2.6	0	0
White	7,702.2	0	7,702.2	0	0
Woodruff	22,726.8	0	22,726.8	0	0
Yell	3,448.7	0	3,448.7	0	0
CALIFORNIA					
Fresno	115,482.3	0	115,482.3	0	0
Imperial	29,422.9	0	29,422.9	0	0
Kern	110,012.9	0	110,012.9	0	0
Kings	59,470.0	0	59,470.0	0	0
Madera	28,268.2	0	28,268.2	0	0
Merced	16,524.2	0	16,524.2	0	0
Riverside	11,994.5	0	11,994.5	0	0
San Benito	86.6	0	86.6	0	0
San Bernardino	226.6	0	226.6	0	0
San Diego	40.2	0	40.2	0	0
Stanislaus	34.1	0	34.1	0	0
Tulare	88,402.5	0	88,402.5	0	0
FLORIDA					
Alachua	42.2	0	42.2	0	0
Baker	1.9	0	1.9	0	0
Bay	2.3	0	2.3	0	0
Calhoun	203.1	0	203.1	0	0
Columbia	108.5	0	108.5	0	0
Dixie	6.6	0	6.6	0	0
Escambia	659.3	0	659.3	0	0
Gadsden	34.6	0	34.6	0	0
Hamilton	674.1	0	674.1	0	0
Holmes	1,001.0	0	1,001.0	0	0
Jackson	4,316.8	0	4,316.8	0	0
Jefferson	779.6	0	779.6	0	0
Lafayette	117.2	0	117.2	0	0
Leon	129.5	0	129.5	0	0
Levy	3.6	0	3.6	0	0
Liberty	9.2	0	9.2	0	0
Madison	1,431.1	0	1,431.1	0	0
Okaloosa	499.0	0	499.0	0	0
Santa Rosa	4,616.1	0	4,616.1	0	0
Suwanee	378.9	0	378.9	0	0
Taylor	15.2	0	15.2	0	0
Union	10.7	0	10.7	0	0
Walton	1,166.5	0	1,166.5	0	0
Washington	492.1	0	492.1	0	0
GEORGIA					
Appling	2,[illegible]3.9	0	2,[illegible]3.9	0	0
Atkinson	[illegible]3.1	0	[illegible]3.1	0	0
Bacon	1,334.3	0	1,334.3	0	0

GEORGIA—Continued

County	Computed county allotment	Allocation from State reserves for trends	County Allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Baker	1,923.0	0	1,923.0	0	0
Baldwin	1,142.8	0	1,142.8	0	0
Banks	1,401.2	0	1,401.2	0	0
Barrow	3,158.8	0	3,158.8	0	0
Bartow	10,535.8	0	10,535.8	0	0
Ben Hill	3,107.7	0	3,107.7	0	0
Berrien	2,144.5	0	2,144.5	0	0
Bibb	411.2	0	411.2	0	0
Bleckley	4,614.8	0	4,614.8	0	0
Brantley	26.2	0	26.2	0	0
Brooks	5,239.0	0	5,239.0	0	0
Bryan	120.9	0	120.9	0	0
Bulloch	8,610.1	0	8,610.1	0	0
Burke	21,195.9	0	21,195.9	0	0
Butts	2,320.2	0	2,320.2	0	0
Calhoun	3,427.6	0	3,427.6	0	0
Candler	4,027.7	0	4,027.7	0	0
Carroll	3,725.3	0	3,725.3	0	0
Catoosa	214.2	0	214.2	0	0
Charlton	7.7	0	7.7	0	0
Chatham	20.3	0	20.3	0	0
Chattahoochee	26.5	0	26.5	0	0
Chattooga	2,575.0	0	2,575.0	0	0
Cherokee	34.8	0	34.8	0	0
Clarke	781.8	0	781.8	0	0
Clay	2,044.7	0	2,044.7	0	0
Clayton	163.5	0	163.5	0	0
Clinch	81.0	0	81.0	0	0
Cobb	53.3	0	53.3	0	0
Coffee	4,255.2	0	4,255.2	0	0
Colquitt	13,716.2	0	13,716.2	0	0
Columbia	942.2	0	942.2	0	0
Cook	2,349.3	0	2,349.3	0	0
Coweta	3,171.0	0	3,171.0	0	0
Crawford	978.9	0	978.9	0	0
Crisp	6,653.3	0	6,653.3	0	0
Dade	61.0	0	61.0	0	0
Dawson	87.2	0	87.2	0	0
Decatur	2,359.0	0	2,359.0	0	0
De Kalb	7.0	0	7.0	0	0
Dodge	8,201.1	0	8,201.1	0	0
Dooly	17,063.3	0	17,063.3	0	0
Dougherty	1,113.6	0	1,113.6	0	0
Douglas	20.2	0	20.2	0	0
Early	8,209.8	0	8,209.8	0	0
Echols	31.3	0	31.3	0	0
Effingham	920.2	0	920.2	0	0
Elbert	5,152.3	0	5,152.3	0	0
Emanuel	9,093.9	0	9,093.9	0	0
Evans	1,557.5	0	1,557.5	0	0
Fayette	435.0	0	435.0	0	0
Floyd	4,532.1	0	4,532.1	0	0
Forsyth	210.1	0	210.1	0	0
Franklin	4,433.0	0	4,433.0	0	0
Fulton	303.7	0	303.7	0	0
Glascock	2,841.7	0	2,841.7	0	0
Gordon	5,730.0	0	5,730.0	0	0
Grady	2,173.9	0	2,173.9	0	0
Greene	1,337.8	0	1,337.8	0	0
Gwinnett	1,183.7	0	1,183.7	0	0
Habersham	27.5	0	27.5	0	0
Hall	783.9	0	783.9	0	0
Hancock	4,422.7	0	4,422.7	0	0
Haralson	429.9	0	429.9	0	0
Harris	000.3	0	000.3	0	0
Hart	6,743.7	0	6,743.7	0	0
Heard	537.8	0	537.8	0	0
Henry	4,105.7	0	4,105.7	0	0
Houston	3,791.8	0	3,791.8	0	0

GEORGIA—Continued

County	Computed county allotment	Allocation from State reserves for trends	County Allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Irwin	5,997.3	0	5,997.3	0	0
Jackson	3,384.1	0	3,384.1	0	0
Jasper	1,580.8	0	1,580.8	0	0
Jeff Davis	1,370.9	0	1,370.9	0	0
Jefferson	11,872.3	0	11,872.3	0	0
Jenkins	7,130.5	0	7,130.5	0	0
Johnson	9,321.5	0	9,321.5	0	0
Jones	34.1	0	34.1	0	0
Lamar	1,234.8	0	1,234.8	0	0
Lanier	416.1	0	416.1	0	0
Laurens	17,377.4	0	17,377.4	0	0
Lee	2,277.9	0	2,277.9	0	0
Liberty	76.0	0	76.0	0	0
Lincoln	1,012.7	0	1,012.7	0	0
Long	302.1	0	302.1	0	0
Lowndes	1,920.5	0	1,920.5	0	0
Lumpkin	25.1	0	25.1	0	0
McDuffie	3,588.4	0	3,588.4	0	0
Macon	7,402.1	0	7,402.1	0	0
Madison	5,541.3	0	5,541.3	0	0
Marion	2,120.2	0	2,120.2	0	0
Meriwether	5,280.9	0	5,280.9	0	0
Miller	3,440.7	0	3,440.7	0	0
Mitchell	7,522.8	0	7,522.8	0	0
Monroe	320.7	0	320.7	0	0
Montgomery	2,299.2	0	2,299.2	0	0
Morgan	8,401.6	0	8,401.6	0	0
Murray	1,341.1	0	1,341.1	0	0
Newton	3,493.5	0	3,493.5	0	0
Oconee	4,707.1	0	4,707.1	0	0
Oglethorpe	3,550.7	0	3,550.7	0	0
Paulding	225.6	0	225.6	0	0
Peach	1,362.8	0	1,362.8	0	0
Pickens	0	0	0	0	0
Pierce	1,276.2	0	1,276.2	0	0
Pike	3,693.7	0	3,693.7	0	0
Polk	3,484.1	0	3,484.1	0	0
Pulaski	6,682.4	0	6,682.4	0	0
Putnam	490.5	0	490.5	0	0
Quitman	691.2	0	691.2	0	0
Randolph	3,715.9	0	3,715.9	0	0
Richmond	1,337.0	0	1,337.0	0	0
Rockdale	1,091.1	0	1,091.1	0	0
Seiley	2,159.3	0	2,159.3	0	0
Screven	9,694.6	0	9,694.6	0	0
Seminole	2,829.4	0	2,829.4	0	0
Spalding	1,300.8	0	1,300.8	0	0
Stephens	316.9	0	316.9	0	0
Stewart	1,785.3	0	1,785.3	0	0
Sumter	7,071.0	0	7,071.0	0	0
Talbot	453.1	0	453.1	0	0
Taliaferro	418.8	0	418.8	0	0
Tattnall	3,048.2	0	3,048.2	0	0
Taylor	4,617.4	0	4,617.4	0	0
Telfair	2,892.6	0	2,892.6	0	0
Terrell	8,171.8	0	8,171.8	0	0
Thomas	3,641.7	0	3,641.7	0	0
Tift	4,047.8	0	4,047.8	0	0
Toombs	4,488.1	0	4,488.1	0	0
Treutlen	1,993.4	0	1,993.4	0	0
Troup	534.4	0	534.4	0	0
Turner	4,920.6	0	4,920.6	0	0
Twiggs	1,947.8	0	1,947.8	0	0
Upson	406.5	0	406.5	0	0
Walker	478.6	0	478.6	0	0
Walton	11,310.1	0	11,310.1	0	0
Ware	468.5	0	468.5	0	0

GEORGIA—Continued

County	Computed county allotment	Allocation from State reserves for trends	County Allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Warren	6,302.2	0	6,302.2	0	0
Washington	10,241.2	0	10,241.2	0	0
Wayne	1,270.0	0	1,270.0	0	0
Webster	1,016.5	0	1,061.5	0	0
Wheeler	1,999.4	0	1,999.4	0	0
White	202.3	0	202.3	0	0
Whitfield	391.5	0	391.5	0	0
Wilcox	6,072.8	0	6,072.8	0	0
Wilkes	1,735.4	0	1,735.4	0	0
Wilkinson	1,381.6	0	1,381.6	0	0
Worth	11,983.7	0	11,983.7	0	0

ILLINOIS

Alexander	1,033.0	0	1,033.0	0	0
Massac	1.9	0	1.9	0	0
Pulaski	682.1	0	682.1	0	0

KANSAS

Montgomery	7.0	0	7.0	0	0

KENTUCKY

Ballard	2.5	0	2.5	0	0
Calloway	23.3	0	23.3	0	0
Carlisle	27.3	0	27.3	0	0
Fulton	3,635.0	0	3,635.0	0	0
Graves	70.3	0	70.3	0	0
Hickman	465.2	0	465.2	0	0
McCracken	2.8	0	2.8	0	0
Marshall	5.6	0	5.6	0	0

LOUISIANA

Parish	Computed parish allotment	Allocation from State reserves for trends	Parish allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Acadia	5,819.4	191.5	6,010.9	0	0
Allen	231.0	0	231.0	0	0
Ascension	0	0	0	0	0
Avoyelles	12,994.4	429.8	13,424.2	0	0
Beauregard	99.7	3.9	103.6	0	0
Bienville	518.6	0	518.6	0	0
Bossier	11,227.7	175.3	11,403.0	0	0
Caddo	20,091.9	278.5	20,370.4	0	0
Caldwell	5,100.3	102.8	5,203.1	0	0
Catahoula	7,724.4	209.3	7,933.7	0	0
Claiborne	1,030.5	0	1,030.5	0	0
Concordia	6,235.8	157.2	6,393.0	0	0
De Soto	3,257.3	111.1	3,368.4	0	0
East Baton Rouge	100.6	1.1	107.7	0	0

LOUISIANA—Continued

Parish	Computed parish allotment (1)	Allocation from State reserves for trends (2)	Parish allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for: Small farms (4)	Allocation from State reserve for: Inequity and hardship cases (5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
East Carroll	21,704.7	408.1	22,112.8	0	0
East Feliciana	153.7	0	153.7	0	0
Evangeline	8,757.4	154.8	8,912.2	0	0
Franklin	37,011.5	686.8	37,698.3	0	0
Grant	2,804.6	49.2	2,853.8	0	0
Iberia	16.0	0	16.0	0	0
Iberville	138.8	4.0	142.8	0	0
Jackson	251.2	0	251.2	0	0
Jefferson Davis	37.8	3.2	41.0	0	0
Lafayette	6,355.6	211.7	6,567.3	0	0
La Salle	307.5	8.6	316.1	0	0
Lincoln	155.7	0	155.7	0	0
Livingston	7.1	0	7.1	0	0
Madison	13,934.1	213.1	14,147.2	0	0
Morehouse	23,662.9	421.6	24,084.5	0	0
Natchitoches	13,697.9	258.4	13,956.3	0	0
Ouachita	9,393.0	159.9	9,552.9	0	0
Pointe Coupee	3,945.9	63.0	4,008.9	0	0
Rapides	12,481.0	209.6	12,690.6	0	0
Red River	6,352.0	215.9	6,567.9	0	0
Richland	32,550.1	621.6	33,171.7	0	0
Sabine	187.6	20.3	207.9	0	0
St. Helena	877.7	21.3	899.0	0	0
St. Landry	19,615.6	384.0	19,999.6	0	0
St. Martin	3,096.6	90.3	3,186.9	0	0
St. Tammany	0	0	0	0	0
Tangipahoa	86.9	0	86.9	0	0
Tensas	13,788.2	261.5	14,049.7	0	0
Union	961.0	3.2	964.2	0	0
Vermilion	1,689.2	39.1	1,728.3	0	0
Vernon	119.3	4.2	123.5	0	0
Washington	740.0	20.4	760.4	0	0
Webster	532.8	0	532.8	0	0
West Baton Rouge	169.4	3.3	172.7	0	0
West Carroll	17,804.7	498.0	18,302.7	0	0
West Feliciana	464.9	0	464.9	0	0
Winn	254.2	10.2	264.4	0	0

MISSISSIPPI

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for: Small farms (4)	Allocation from State reserve for: Inequity and hardship cases (5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Adams	1,260.5	23.0	1,283.5	0	0
Alcorn	8,016.5	192.0	8,208.5	0	0
Amite	1,739.4	33.0	1,772.4	0	0
Attala	7,612.4	166.0	7,778.4	0	0
Benton	7,308.5	157.0	7,465.5	0	0
Bolivar	74,068.9	1,455.0	75,523.9	0	0
Calhoun	9,943.5	228.0	10,171.5	0	0
Carroll	8,973.5	194.0	9,167.5	0	0
Chickasaw	8,624.3	188.0	8,812.3	0	0
Choctaw	2,023.0	40.0	2,063.0	0	0
Claiborne	2,444.2	47.0	2,491.2	0	0
Clarke	2,173.8	42.0	2,215.8	0	0
Clay	4,525.5	122.0	4,647.5	0	0

MISSISSIPPI—Continued

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County Allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for: Small farms (4)	Allocation from State reserve for: Inequity and hardship cases (5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Coahoma	55,262.8	1,081.0	56,343.8	0	0
Copiah	4,140.5	75.0	4,215.5	0	0
Covington	4,667.3	99.0	4,766.3	0	0
De Soto	19,544.2	393.0	19,937.2	0	0
Forrest	206.5	4.0	210.5	0	0
Franklin	367.5	9.0	376.5	0	0
George	149.2	2.0	151.2	0	0
Greene	593.7	10.0	603.7	0	0
Grenada	7,003.5	144.0	7,147.5	0	0
Hinds	12,968.2	247.0	13,215.2	0	0
Holmes	21,404.6	444.0	21,848.6	0	0
Humphreys	29,369.5	571.0	29,940.5	0	0
Issaquena	7,604.2	152.0	7,756.2	0	0
Itawamba	6,107.3	142.0	6,249.3	0	0
Jasper	3,339.5	61.0	3,400.5	0	0
Jefferson	2,018.9	38.0	2,056.9	0	0
Jefferson Davis	6,326.5	140.0	6,466.5	0	0
Jones	3,897.9	70.0	3,967.9	0	0
Kemper	4,943.0	110.0	5,053.0	0	0
Lafayette	8,979.9	192.0	9,171.0	0	0
Lamar	582.4	13.0	595.4	0	0
Lauderdale	1,024.9	27.0	1,051.9	0	0
Lawrence	2,605.3	52.0	2,657.3	0	0
Leake	8,575.4	193.0	8,768.4	0	0
Lee	15,462.4	322.0	15,784.4	0	0
Leflore	45,539.4	895.0	46,434.4	0	0
Lincoln	1,049.0	36.0	1,085.9	0	0
Lowndes	9,319.2	201.0	9,520.2	0	0
Madison	19,837.2	390.0	20,227.2	0	0
Marion	3,727.2	69.0	3,796.2	0	0
Marshall	21,034.2	431.0	21,465.2	0	0
Monroe	16,791.2	365.0	17,156.2	0	0
Montgomery	4,470.4	99.0	4,578.4	0	0
Neshoba	6,542.1	120.0	6,662.1	0	0
Newton	1,901.4	34.0	1,935.4	0	0
Noxubee	9,208.5	198.0	9,406.5	0	0
Oktibbeha	1,773.5	35.0	1,808.5	0	0
Panola	24,148.1	493.0	24,641.1	0	0
Pearl River	0	0	0	0	0
Perry	940.7	18.0	958.7	0	0
Pike	1,259.8	22.0	1,281.8	0	0
Pontotoc	11,636.8	283.0	11,919.8	0	0
Prentiss	10,160.2	236.0	10,396.2	0	0
Quitman	36,396.0	719.0	37,115.0	0	0
Rankin	4,505.5	87.0	4,592.5	0	0
Scott	5,180.3	97.0	5,277.3	0	0
Sharkey	17,492.0	344.0	17,836.0	0	0
Simpson	5,897.1	109.0	6,006.1	0	0
Smith	4,794.2	91.0	4,885.2	0	0
Sunflower	76,281.4	1,490.0	77,771.4	0	0
Tallahatchie	36,174.0	719.0	36,893.0	0	0
Tate	14,526.7	301.0	14,827.7	0	0
Tippah	9,351.5	227.0	9,578.5	0	0
Tishomingo	5,491.7	134.0	5,625.7	0	0
Tunica	29,453.5	570.0	30,023.5	0	0
Union	10,522.0	233.0	10,760.0	0	0
Walthall	5,605.5	108.0	5,713.5	0	0
Warren	3,876.1	77.0	3,953.1	0	0
Washington	51,006.1	996.0	52,002.1	0	0
Wayne	3,066.4	63.0	3,129.4	0	0
Webster	5,157.3	126.0	5,283.3	0	0
Wilkinson	604.0	14.0	618.0	0	0
Winston	6,437.0	142.0	6,579.0	0	0
Yalobusha	7,939.8	177.0	8,116.8	0	0
Yazoo	25,149.9	518.0	25,667.9	0	0

MISSOURI

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for: Small farms	Allocation from State reserve for: Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Bollinger	64.4	0	64.4	0	0
Butler	11,276.0	0	11,276.0	0	0
Cape Girardeau	84.9	0	84.9	0	0
Carter	0	0	0	0	0
Dunklin	49,664.6	0	49,664.6	0	0
Howell	1.0	0	1.0	0	0
Mississippi	16,452.2	0	16,452.2	0	0
New Madrid	54,020.2	0	54,020.2	0	0
Oregon	0	0	0	0	0
Pemiscot	50,075.8	0	57,075.8	0	0
Ripley	1,343.4	0	1,343.4	0	0
Scott	9,921.3	0	9,921.3	0	0
Stoddard	23,910.9	0	23,910.9	0	0
Vernon	2.5	0	2.5	0	0
Wayne	0	0	0	0	0

NEVADA

Clark	0.0	0	0.0	0	0
Nye	2,223.0	0	2,223.0	0	0

NEW MEXICO

Chaves	19,042.6	0	19,042.6	0	0
Curry	929.8	0	929.8	0	0
De Baca	338.8	0	338.8	0	0
Dona Ana	23,738.6	0	23,738.6	0	0
Eddy	16,692.6	0	16,692.6	0	0
Grant	120.4	0	120.4	0	0
Harding	6.2	0	6.2	0	0
Hidalgo	3,914.3	0	3,914.3	0	0
Lea	16,670.3	0	16,670.3	0	0
Luna	8,623.7	0	8,623.7	0	0
Otero	1,990.8	0	1,990.8	0	0
Quay	1,723.6	0	1,723.6	0	0
Roosevelt	11,749.9	0	11,749.9	0	0
Sierra	1,673.0	0	1,673.0	0	0
Socorro	1,210.6	0	1,210.6	0	0

NORTH CAROLINA

Alamance	12.3	0	12.3	0	0
Alexander	257.9	0	257.9	0	0
Anson	7,175.2	0	7,175.2	0	0
Beaufort	593.2	0	593.2	0	0
Bertie	4,494.8	0	4,494.8	0	0
Bladen	1,985.0	0	1,985.0	0	0
Brunswick	139.2	0	139.2	0	0
Burke	50.8	0	50.8	0	0
Cabarrus	1,014.0	0	1,014.0	0	0
Caldwell	8.0	0	8.0	0	0
Camden	165.8	15.9	181.7	0	0
Carteret	23.5	0	23.5	0	0
Catawba	671.0	0	671.0	0	0
Chatham	123.5	0	123.5	0	0
Chowan	1,630.6	156.7	1,787.3	0	0
Cleveland	17,889.8	0	17,889.8	0	0
Columbus	1,498.3	0	1,498.3	0	0
Craven	225.8	0	225.8	0	0
Cumberland	7,240.8	0	7,240.8	0	0
Currituck	160.5	0	160.5	0	0
Davidson	427.0	0	427.0	0	0

NORTH CAROLINA—Continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for: Small farms	Allocation from State reserve for: Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Davie	810.3	0	810.3	0	0
Duplin	1,801.2	0	1,801.2	0	0
Durham	67.1	0	67.1	0	0
Edgecombe	8,478.2	0	8,478.2	0	0
Forsyth	40.9	0	40.9	0	0
Franklin	5,059.5	0	5,059.5	0	0
Gaston	1,475.7	0	1,475.7	0	0
Gates	1,287.7	0	1,287.7	0	0
Granville	228.9	0	228.9	0	0
Greene	2,377.8	0	2,377.8	0	0
Guilford	31.6	0	31.6	0	0
Halifax	15,842.2	1,519.0	17,361.2	0	0
Harnett	8,200.3	0	8,200.3	0	0
Hertford	3,224.9	0	3,224.9	0	0
Hoke	9,382.6	895.9	10,278.5	0	0
Hyde	100.7	0	100.7	0	0
Iredell	3,862.2	0	3,862.2	0	0
Johnston	12,011.3	0	12,011.3	0	0
Jones	144.6	0	144.6	0	0
Lee	601.5	0	601.5	0	0
Lenoir	1,214.4	0	1,214.4	0	0
Lincoln	3,778.3	0	3,778.3	0	0
Martin	1,848.8	0	1,848.8	0	0
Mecklenburg	2,725.0	0	2,725.0	0	0
Montgomery	1,887.7	182.9	2,070.6	0	0
Moore	1,676.9	0	1,676.9	0	0
Nash	9,107.8	0	9,107.8	0	0
New Hanover	0	0	0	0	0
Northampton	14,665.3	1,397.9	16,063.2	0	0
Onslow	135.6	0	135.6	0	0
Orange	38.9	0	38.9	0	0
Pamlico	78.5	0	78.5	0	0
Pasquotank	117.1	0	117.1	0	0
Pender	163.2	0	163.2	0	0
Perquimans	644.6	0	644.6	0	0
Person	1.9	0	1.9	0	0
Pitt	4,220.5	0	4,220.5	0	0
Polk	698.2	0	698.2	0	0
Randolph	13.6	0	13.6	0	0
Richmond	3,652.2	0	3,652.2	0	0
Robeson	31,017.8	0	31,017.8	0	0
Rowan	2,623.4	0	2,623.4	0	0
Rutherford	4,389.4	0	4,389.4	0	0
Sampson	15,457.4	0	15,457.4	0	0
Scotland	11,294.2	1,067.4	12,361.6	0	0
Stanly	349.9	0	349.9	0	0
Tyrrell	131.8	0	131.8	0	0
Union	7,832.1	0	7,832.1	0	0
Vance	2,376.5	0	2,376.5	0	0
Wake	2,782.9	0	2,782.9	0	0
Warren	4,790.1	0	4,790.1	0	0
Washington	324.4	0	324.4	0	0
Wayne	6,493.2	0	6,493.2	0	0
Wilkes	33.6	0	33.6	0	0
Wilson	5,502.7	0	5,502.7	0	0
Yadkin	17.9	0	17.9	0	0

OKLAHOMA

Adair	22.8	0	22.8	0	0
Atoka	1,022.0	0	1,022.0	0	0
Beaver	0	0	0	0	0
Beckham	38,073.5	0	38,073.5	0	0
Blaine	7,497.4	0	7,497.4	0	0
Bryan	10,001.7	34.2	10,035.9	0	0
Caddo	29,118.3	143.7	29,262.0	0	0

OKLAHOMA—Continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Canadian	7,706.6	0	7,706.6	0	0
Carter	928.7	0	928.7	0	0
Choctaw	812.3	0	812.3	0	0
Cimarron	0	0	0	0	0
Cleveland	919.7	0	919.7	0	0
Coal	2,004.9	0	2,004.9	0	0
Comanche	7,127.4	0	7,127.4	0	0
Cotton	11,349.1	0	11,349.1	0	0
Craig	37.9	0	37.9	0	0
Creek	482.3	0	482.3	0	0
Custer	15,529.2	0	15,529.2	0	0
Dewey	4,751.4	0	4,751.4	0	0
Ellis	290.7	8.0	298.7	0	0
Garfield	4.8	0	4.8	0	0
Garvin	3,280.9	0	3,280.9	0	0
Grady	10,897.6	99.0	10,996.6	0	0
Grant	28.7	0	28.7	0	0
Greer	25,118.3	0	25,118.3	0	0
Harmon	29,321.3	0	29,321.3	0	0
Harper	0	0	0	0	0
Haskell	1,095.7	9.1	1,104.8	0	0
Hughes	1,850.1	0	1,850.1	0	0
Jackson	35,548.6	0	35,548.6	0	0
Jefferson	10,315.1	0	10,315.1	0	0
Johnston	2,136.0	0	2,136.0	0	0
Kay	48.5	0	48.5	0	0
Kingfisher	633.3	0	633.3	0	0
Kiowa	34,185.2	0	34,185.2	0	0
Le Flore	1,293.3	0	1,293.3	0	0
Lincoln	451.1	0	451.1	0	0
Logan	1,630.0	12.2	1,642.2	0	0
Love	5,118.7	0	5,118.7	0	0
McClain	5,948.2	0	5,948.2	0	0
McCurtain	4,098.4	0	4,098.4	0	0
McIntosh	5,086.2	0	5,086.2	0	0
Major	761.8	0	761.8	0	0
Marshall	2,744.8	0	2,744.8	0	0
Mayes	181.9	0	181.9	0	0
Murray	190.2	0	190.2	0	0
Muskogee	10,071.5	0	10,071.5	0	0
Noble	284.7	0	284.7	0	0
Nowata	285.3	0	285.3	0	0
Okfuskee	812.1	0	812.1	0	0
Oklahoma	328.6	2.5	331.1	0	0
Okmulgee	5,601.7	0	5,601.7	0	0
Osage	1,587.6	0	1,587.6	0	0
Pawnee	1,954.5	0	1,954.5	0	0
Payne	1,309.4	0	1,309.4	0	0
Pittsburg	1,672.9	0	1,672.9	0	0
Pontotoc	630.3	0	630.3	0	0
Pottawatomie	282.1	0	282.1	0	0
Pushmataha	160.4	0	160.4	0	0
Roger Mills	13,089.3	0	13,089.3	0	0
Rogers	186.0	0	186.0	0	0
Seminole	592.3	0	592.3	0	0
Sequoyah	594.2	0.2	594.4	0	0
Stephens	3,624.4	0	3,624.4	0	0
Texas	5.5	0	5.5	0	0
Tillman	43,727.7	0	43,727.7	0	0
Tulsa	581.6	0	581.6	0	0
Wagoner	4,791.8	0	4,791.8	0	0
Washita	45,253.9	0	45,253.9	0	0
Woodward	410.2	0	410.2	0	0

SOUTH CAROLINA

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Abbeville	3,716.4	265.3	3,981.7	0	0
Aiken	11,321.6	0	11,321.6	0	0
Allendale	6,297.7	0	6,297.7	0	0
Anderson	13,213.9	0	13,213.9	0	0
Bamberg	8,064.9	0	8,064.9	0	0
Barnwell	8,613.3	0	8,613.3	0	0
Beaufort	13.5	0	13.5	0	0
Berkeley	3,933.5	58.7	3,992.2	0	0
Calhoun	10,162.9	0	10,162.9	0	0
Charleston	250.1	0	250.1	0	0
Cherokee	5,960.8	0	5,960.8	0	0
Chester	5,255.5	0	5,255.5	0	0
Chesterfield	17,048.5	0	17,048.5	0	0
Clarendon	22,375.9	0	22,375.9	0	0
Colleton	4,405.1	0	4,405.1	0	0
Darlington	19,453.8	0	19,453.8	0	0
Dillon	14,686.9	0	14,686.9	0	0
Dorchester	4,803.8	0	4,803.8	0	0
Edgefield	5,731.8	0	5,731.8	0	0
Fairfield	1,927.6	0	1,927.6	0	0
Florence	19,822.5	0	19,822.5	0	0
Georgetown	1,251.5	0	1,251.5	0	0
Greenville	5,713.3	0	5,713.3	0	0
Greenwood	1,817.4	2.9	1,820.3	0	0
Hampton	4,576.4	0	4,576.4	0	0
Horry	3,859.8	0	3,859.8	0	0
Jasper	902.1	0	902.1	0	0
Kershaw	8,941.4	0	8,941.4	0	0
Lancaster	3,531.4	0	3,531.4	0	0
Laurens	8,619.0	0	8,619.0	0	0
Lee	23,811.5	0	23,811.5	0	0
Lexington	5,837.4	0	5,837.4	0	0
McCormick	1,575.6	18.1	1,593.7	0	0
Marion	7,194.4	0	7,194.4	0	0
Marlboro	24,992.1	0	24,992.1	0	0
Newberry	3,392.6	0	3,392.6	0	0
Oconee	3,087.1	0	3,087.1	0	0
Orangeburg	36,057.8	0	36,057.8	0	0
Pickens	1,643.0	0	1,643.0	0	0
Richland	3,044.0	161.9	3,205.9	0	0
Saluda	4,325.5	0	4,325.5	0	0
Spartanburg	9,666.9	0	9,666.9	0	0
Sumter	24,381.2	0	24,381.2	0	0
Union	2,525.0	0	2,525.0	0	0
Williamsburg	21,600.0	0	21,600.0	0	0
York	8,066.7	0	8,066.7	0	0

TENNESSEE

Bedford	323.4	0	323.4	0	0
Benton	1,095.5	0	1,095.5	0	0
Bradley	66.4	0	66.4	0	0
Cannon	4.5	0	4.5	0	0
Carroll	11,436.2	196.4	11,632.6	0	0
Chester	6,599.1	134.0	6,733.1	0	0
Coffee	195.1	0	195.1	0	0
Crockett	20,329.2	636.4	20,965.6	0	0
Decatur	1,715.2	8.8	1,724.0	0	0
Dickson	4.8	0	4.8	0	0
Dyer	19,307.5	533.4	19,840.9	0	0
Fayette	25,091.0	703.4	26,294.4	0	0

TENNESSEE—Continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Franklin	2,540.8	3.7	2,544.5	0	0
Gibson	27,393.7	676.0	28,039.7	0	0
Giles	4,123.5	19.3	4,142.8	0	0
Grundy	31.9	0	31.9	0	0
Hamilton	33.2	0	33.2	0	0
Hardeman	12,215.0	216.0	12,431.0	0	0
Hardin	4,682.1	6.4	4,688.5	0	0
Haywood	25,888.5	693.4	26,581.9	0	0
Henderson	9,759.0	152.0	9,911.0	0	0
Henry	2,552.2	8.5	2,560.7	0	0
Humphreys	1.0	0	1.0	0	0
Lake	12,934.9	362.2	13,297.1	0	0
Lauderdale	21,268.2	528.0	21,796.2	0	0
Lawrence	10,367.8	7.7	10,365.5	0	0
Lewis	29.6	0	29.6	0	0
Lincoln	6,622.8	20.5	6,643.3	0	0
Loudon	2.3	0	2.3	0	0
McMinn	11.4	0	11.4	0	0
McNairy	10,872.8	154.0	11,027.4	0	0
Madison	19,374.3	487.7	19,862.0	0	0
Marion	43.4	0	43.4	0	0
Marshall	30.2	0	30.2	0	0
Maury	13.6	0	13.6	0	0
Meigs	91.5	0	91.5	0	0
Monroe	0	0	0	0	0
Obion	5,365.7	118.4	5,484.1	0	0
Perry	1.5	0	1.5	0	0
Polk	160.0	0	160.0	0	0
Rhea	0.5	0	0.5	0	0
Robertson	0.3	0	0.3	0	0
Rutherford	2,135.3	4.4	2,139.7	0	0
Shelby	22,615.4	6.6	22,622.0	0	0
Sumner	1.7	0	1.7	0	0
Tipton	23,030.0	718.8	23,748.8	0	0
Warren	4.6	0	4.6	0	0
Wayne	1,211.0	0	1,211.0	0	0
Weakley	5,800.3	32.7	5,833.0	0	0
Williamson	0.9	0	0.9	0	0
Wilson	29.5	0	29.5	0	0

TEXAS

Anderson	1,710.3	0	1,710.3	0	0
Andrews	5,059.7	0	5,059.7	0	0
Angelina	835.1	0	835.1	0	0
Aransas	797.5	0	797.5	0	0
Archer	1,092.0	0	1,092.0	0	0
Armstrong	1,205.6	10.0	1,215.5	0	0
Atascosa	4,374.4	28.4	4,402.8	0	0
Austin	11,235.6	0	11,235.6	0	0
Bailey	60,395.5	0	60,395.5	0	0
Bastrop	6,763.8	24.1	6,788.9	0	0
Baylor	10,912.0	0	10,912.0	0	0
Bee	8,509.1	46.3	8,555.4	0	0
Bell	41,370.3	0	41,370.3	0	0
Bexar	1,959.7	5.1	1,964.8	0	0
Blanco	38.8	0	38.8	0	0
Borden	12,249.5	0	12,249.5	0	0
Bosque	6,465.7	0	6,465.7	0	0
Bowie	6,451.6	100.5	6,552.1	0	0
Brazoria	4,698.9	48.0	4,747.5	0	0
Brazos	11,576.8	23.4	11,600.2	0	0
Brewster	39.2	0.9	40.1	0	0
Briscoe	10,522.6	0	10,522.6	0	0
Brooks	2,002.8	0	2,002.8	0	0
Brown	2,871.5	0	2,871.5	0	0

TEXAS—Continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Hurleson	16,206.6	7.6	16,214.2	0	0
Burnet	1,045.4	5.7	1,051.1	0	0
Caldwell	11,307.7	0	11,307.7	0	0
Calhoun	10,523.0	0	10,523.0	0	0
Callahan	4,022.4	38.3	4,060.7	0	0
Cameron	96,553.2	1,004.7	97,057.9	0	0
Camp	72.4	0.5	72.9	0	0
Carson	57.2	328.0	385.2	0	0
Cass	1,585.8	0	1,585.8	0	0
Castro	32,846.0	0	32,846.0	0	0
Cherokee	1,859.0	0	1,859.0	0	0
Childress	32,947.8	0	32,947.8	0	0
Clay	5,772.0	5.0	5,777.9	0	0
Cochran	47,323.0	50.8	47,374.7	0	0
Coke	3,782.8	3.5	3,786.3	0	0
Coleman	19,182.7	0	19,182.7	0	0
Collin	49,105.4	0	49,105.4	0	0
Collingsworth	39,830.7	0	39,830.7	0	0
Colorado	5,098.0	0	5,098.0	0	0
Comal	131.6	8.2	121.8	0	0
Comanche	4,227.5	9.7	4,237.2	0	0
Concho	16,401.5	0	16,401.5	0	0
Cooke	4,201.9	10.1	4,216.0	0	0
Coryell	11,233.3	0	11,233.3	0	0
Cottle	32,661.5	8.9	32,670.4	0	0
Crockett	29.7	0.8	37.5	0	0
Crosby	76,076.7	0	76,076.7	0	0
Culberson	3,013.6	18.1	3,031.7	0	0
Dallas	19,481.6	0	19,481.6	0	0
Dawson	130,707.1	9.0	130,693.1	0	0
Deaf Smith	5,319.1	0	5,319.1	0	0
Delta	22,423.4	0	22,423.4	0	0
Denton	12,533.7	0	11,533.7	0	0
De Witt	7,313.8	9.3	7,323.1	0	0
Dickens	31,213.1	0	31,213.1	0	0
Dimmit	933.2	0.6	933.8	0	0
Donley	17,633.8	11.8	17,645.6	0	0
Duval	9,273.1	0	9,273.1	0	0
Eastland	1,469.0	65.8	1,534.8	0	0
Ector	123.7	0.2	123.9	0	0
Ellis	77,[illegible].9	0	77,[illegible].9	0	0
El Paso	13,134.5	19.2	13,153.7	0	0
Erath	3,470.2	18.7	3,488.9	0	0
Falls	45,574.8	0	45,574.8	0	0
Fannin	40,912.8	179.8	41,092.6	0	0
Fayette	14,091.0	0	14,091.0	0	0
Fisher	50,571.3	0	50,571.3	0	0
Floyd	50,926.8	4.8	50,931.6	0	0
Foard	7,[illegible]5	0	7,[illegible]5	0	0
Fort Bend	32,[illegible]7	5.7	32,[illegible]4	0	0
Franklin	[illegible]8.0	0	[illegible]8.0	0	0
Freestone	3,[illegible]1	105.5	3,[illegible]6	0	0
Frio	2,[illegible]5	0	2,[illegible]5	0	0
Gaines	92,[illegible]7	0	92,[illegible]7	0	0
Garza	23,[illegible]5	0	23,[illegible]5	0	0
Gillespie	624.6	0	624.6	0	0
Glasscock	9,[illegible]5	0	9,[illegible]5	0	0
Golliad	2,272.0	0.7	2,272.7	0	0
Gonzales	6,494.6	10.0	6,494.6	0	0
Gray	2,303.5	0.9	2,304.4	0	0
Grayson	20,[illegible]9	58.5	20,120.4	0	0
Gregg	253.4	0	253.4	0	0
Grimes	4,760.1	32.4	4,788.5	0	0
Guadalupe	11,321.0	0	11,321.0	0	0
Hale	99,083.9	0	99,083.9	0	0
Hall	57,410.9	0	57,410.9	0	0
Hamilton	6,200.5	0	6,200.5	0	0

TEXAS—Continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Hansford	274.1	129.4	403.5	0	0
Hardeman	19,789.8	0	19,789.8	0	0
Harris	1,217.6	0	1,217.6	0	0
Harrison	1,235.6	0	1,235.6	0	0
Hartley	15.4	36.0	51.4	0	0
Haskell	71,688.6	0	71,688.6	0	0
Hays	4,368.7	0	4,368.7	0	0
Hemphill	1,015.7	0.9	1,016.6	0	0
Henderson	1,813.0	0	1,813.0	0	0
Hidalgo	113,348.8	0	113,348.8	0	0
Hill	70,315.9	0	70,315.9	0	0
Hockley	113,685.7	0	113,685.7	0	0
Hood	1,577.7	17.6	1,595.3	0	0
Hopkins	4,508.1	0	4,508.1	0	0
Houston	13,644.7	10.7	13,655.4	0	0
Howard	44,751.8	0	44,751.8	0	0
Hudspeth	10,072.0	0	10,072.0	0	0
Hunt	54,033.8	0	54,033.8	0	0
Hutchinson	21.9	0.8	22.7	0	0
Irion	377.5	0	377.5	0	0
Jack	1,209.1	7.5	1,216.6	0	0
Jackson	10,819.3	0	10,819.3	0	0
Jasper	71.9	10.0	81.9	0	0
Jeff Davis	354.3	0	354.3	0	0
Jim Hogg	55.8	26.4	82.2	0	0
Jim Wells	13,283.9	0	13,283.9	0	0
Johnson	21,322.2	0	21,322.2	0	0
Jones	64,669.4	47.9	64,717.3	0	0
Karnes	16,922.2	105.6	17,027.8	0	0
Kaufman	30,845.2	0	30,845.2	0	0
Kendall	5.4	0	5.4	0	0
Kent	11,949.5	0	11,949.5	0	0
Kimble	22.7	0.8	23.5	0	0
King	6,178.2	0	6,178.2	0	0
Kinney	130.5	0	130.5	0	0
Kleberg	5,215.4	0	5,215.4	0	0
Knox	35,001.0	0	35,001.0	0	0
Lamar	33,737.7	28.0	33,765.7	0	0
Lamb	116,753.1	0	116,753.1	0	0
Lampasas	761.9	0	761.9	0	0
La Salle	1,196.2	34.4	1,230.6	0	0
Lavaca	11,218.6	16.1	11,234.7	0	0
Lee	2,315.6	7.7	2,323.3	0	0
Leon	6,146.9	0	6,146.9	0	0
Liberty	1,027.6	8.9	1,036.5	0	0
Limestone	29,009.8	144.4	29,154.2	0	0
Live Oak	10,283.3	0	10,283.3	0	0
Llano	135.6	30.8	166.4	0	0
Loving	256.0	0	256.0	0	0
Lubbock	136,573.9	0	136,573.9	0	0
Lynn	115,174.2	0	115,174.2	0	0
McCulloch	9,999.9	1.2	10,001.1	0	0
McLennan	51,098.3	0	51,098.3	0	0
McMullen	741.6	0	741.6	0	0
Madison	1,146.1	0	1,146.1	0	0
Marion	444.2	12.9	457.1	0	0
Martin	59,445.5	0	59,445.5	0	0
Mason	1,090.9	3.9	1,094.8	0	0
Matagorda	10,484.1	7.1	10,491.2	0	0
Maverick	2,085.4	9.8	2,095.2	0	0
Medina	1,009.0	2.9	1,011.9	0	0
Menard	420.2	0	420.2	0	0
Midland	17,007.1	0	17,007.1	0	0
Milam	30,993.3	31.7	31,025.0	0	0
Mills	1,605.7	10.2	1,615.9	0	0
Mitchell	42,111.3	0	42,111.3	0	0
Montague	2,441.5	1.4	2,442.9	0	0
Montgomery	20.5	0	20.5	0	0
Moore	59.7	64.0	123.7	0	0

TEXAS—Continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Morris	9.6	0	9.6	0	0
Motley	20,756.7	0	20,756.7	0	0
Nacogdoches	723.8	79.3	803.1	0	0
Navarro	65,135.1	0	65,135.1	0	0
Newton	11.0	0.3	11.3	0	0
Nolan	26,314.4	7.5	26,321.9	0	0
Nueces	59,798.2	0	59,798.2	0	0
Ochiltree	210.8	0.3	211.1	0	0
Oldham	29.0	3.2	32.2	0	0
Palo Pinto	1,918.0	0	1,918.0	0	0
Panola	1,068.6	0	1,068.6	0	0
Parker	1,549.5	0	1,549.5	0	0
Parmer	27,964.1	0	27,964.1	0	0
Pecos	13,978.8	0	13,978.8	0	0
Polk	472.0	24.3	496.3	0	0
Potter	53.2	24.3	77.5	0	0
Presidio	1,778.6	0	1,778.6	0	0
Rains	4,815.1	13.3	4,828.4	0	0
Randall	1,115.7	514.7	1,630.4	0	0
Reagan	2,576.5	1.6	2,578.1	0	0
Red River	16,222.3	52.2	16,274.5	0	0
Reeves	33,237.9	9.1	33,247.0	0	0
Refugio	7,851.9	5.8	7,857.7	0	0
Roberts	114.8	56.0	170.8	0	0
Robertson	15,380.4	18.7	15,399.1	0	0
Rockwall	8,565.4	0	8,565.4	0	0
Runnels	50,787.8	8.3	50,796.1	0	0
Rusk	5,205.7	44.4	5,250.1	0	0
Sabine	286.8	10.0	296.8	0	0
San Augustine	1,018.5	0.9	1,019.4	0	0
San Jacinto	347.1	0	347.1	0	0
San Patricio	48,016.7	0	48,016.7	0	0
San Saba	2,976.7	9.4	2,986.1	0	0
Schleicher	5,417.1	0	5,417.1	0	0
Scurry	41,496.3	0	41,496.3	0	0
Shackelford	2,541.1	0.3	2,541.4	0	0
Shelby	2,492.2	0	2,492.2	0	0
Smith	490.8	49.4	540.2	0	0
Somervell	641.4	35.7	677.1	0	0
Starr	13,868.6	0	13,868.6	0	0
Stephens	644.5	0	644.5	0	0
Sterling	234.1	0	234.1	0	0
Stonewall	16,431.4	0	16,431.4	0	0
Swisher	32,376.7	0	32,376.7	0	0
Tarrant	5,960.6	0	5,960.6	0	0
Taylor	20,835.9	10.0	20,845.9	0	0
Terry	90,031.0	0	90,031.0	0	0
Throckmorton	7,017.4	0	7,017.4	0	0
Titus	145.9	3.7	149.6	0	0
Tom Green	33,636.8	0	33,636.8	0	0
Travis	21,204.6	4.9	21,209.5	0	0
Trinity	774.0	5.3	779.3	0	0
Tyler	31.4	1.2	32.6	0	0
Upshur	157.6	0	157.6	0	0
Upton	649.9	0.4	650.3	0	0
Uvalde	692.4	0	692.4	0	0
Val Verde	80.4	0.4	80.8	0	0
Van Zandt	13,304.8	0	13,304.8	0	0
Victoria	14,643.4	0	14,643.4	0	0
Walker	1,698.7	0	1,698.7	0	0
Waller	2,753.3	0	2,753.3	0	0
Ward	3,963.3	3.7	3,967.0	0	0
Washington	12,572.2	16.3	12,588.5	0	0
Webb	1,040.6	8.8	1,049.4	0	0
Wharton	43,872.5	23.7	43,896.2	0	0
Wheeler	16,633.5	0	16,633.5	0	0
Wichita	3,766.9	0	3,766.9	0	0
Wilbarger	39,513.3	19.2	39,532.5	0	0
Willacy	54,766.1	0	54,766.1	0	0

TEXAS—Continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for: Small farms	Allocation from State reserve for: Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Williamson	65,078.8	0	65,078.8	0	0
Wilson	2,285.3	0	2,285.3	0	0
Wise	1,188.6	0	1,188.6	0	0
Wood	52.4	0	52.4	0	0
Yoakum	25,714.6	0	25,714.6	0	0
Young	7,121.7	1.4	7,123.1	0	0
Zapata	618.7	7.4	626.1	0	0
Zavala	5,132.3	0	5,132.3	0	0
VIRGINIA					
Brunswick	1,051.4	0	1,051.4	11.0	11.0
Charlotte	2.8	0	2.8		
Dinwiddie	100.8	0	100.8	2.0	2.0
Greensville	2,522.7	0	2,522.7	24.0	24.0
Henrico	0.1	0	0.1		
Isle of Wight	143.6	0	143.6	2.0	2.0
Lunenburg	93.6	0	93.6	2.0	2.0
Mecklenburg	1,047.3	0	1,047.3	9.0	9.0
Nansemond	805.5	0	805.5	7.0	7.0
Prince Edward	1.7	0	1.7		
Prince George	19.1	0	19.1		
Southampton	2,594.3	0	2,594.3	24.0	24.0
Surry	2.4	0	2.4		
Sussex	904.4	0	904.4	9.0	9.0

(Secs. 301, 350, 375, 52 Stat. 38, as amended, 84 Stat. 1358, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1350, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 8, 1972.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-21378 Filed 12-8-72;11:22 am]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Avocado Order 5, Amdt. 11]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitations of Handling

On November 23, 1972, notice of rule making was published in the FEDERAL REGISTER (37 F.R. 24905) regarding a proposed amendment of the current container regulation (7 CFR 915.305; 37 F.R. 11314; 37 F.R. 16930) in effect pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. The proposal was submitted by the Avocado Administrative Committee (established pursuant to said amended marketing agreement and order). This is a regulatory marketing program issued pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). No exception to said notice was filed.

The proposal reflects the committee's current appraisal of present and prospective marketing conditions for avocados. Seasonal shipments of avocados in heavy volume are now in progress. The Avocado Administrative Committee on November 8, 1972, held a meeting to consider the current crop and marketing conditions for avocados. It was brought to the committee's attention that avocados being handled for commercial processing into products, pursuant to marketing order § 915.55 *Avocados not subject to regulations*, exempt from assessments, regulations, inspection, and certification are being packed and handled in containers prescribed in § 915.305 (Avocado Order 5; 7 CFR 915.305; Subpart-Container Regulation). It was concluded that shipments of such uninspected avocados in the prescribed containers make it difficult for the committee to assure that avocados handled for processing are not entering the fresh market. In addition, such handling makes it more difficult for the committee to assure that avocados handled in the containers for the fresh market are in compliance with assessment, regulation, inspection, and certification provisions of the order. Therefore, the committee unanimously recommended that the container regulation, currently in effect, be amended as a safeguard to prevent the handling of exempt avocados in containers, prescribed therein.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Avocado Administrative Committee, and other available information, it is hereby found and determined that the amendment, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning the amendment, with an effective date of December 16, 1972, was published in the FEDERAL REGISTER (37 F.R. 24905), the aforesaid notice allowed interested persons 15 days in which to submit written data, views, or arguments for consideration in connection with the proposed amendment, and no objection to the amendment or such effective date was received; (2) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after an open meeting of the Avocado Administrative Committee on November 8, 1972, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of the amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions and effective time has been disseminated among handlers of such avocados; and (5) seasonal shipments of avocados in heavy volume are now in progress, and the amendment should be applicable, insofar as is practicable, to all shipments of such avocados in order to effectuate the declared policy of the act.

The provisions of paragraph (a)(1) of § 915.305 (Avocado Order 5; 7 CFR 915.305; 37 F.R. 11314; 37 F.R. 16930) are amended to read as follows:

§ 915.305 Avocado Order 5.

(a) *Order.* (1) On and after December 16, 1972, no handler shall handle between the production area and any point outside thereof any variety of avocados for fresh markets in containers having a capacity of more than 4 pounds of avocados, unless such avocados are handled in containers meeting the following specifications and conform to all other applicable requirements of this section: *Provided,* That avocados handled pursuant to § 915.55(c), for commercial processing into products, shall not be handled in any of the containers specified in this § 915.305 Avocado Order 5, as amended:

* * * * *

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, December 12, 1972, to become effective December 16, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-21579 Filed 12-14-72;8:47 am]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be effective under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, was published in the FEDERAL REGISTER November 22, 1972 (37 F.R. 24827). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 971.212 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1973, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $24,000.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be two cents ($0.02) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1973, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable lettuce from the beginning of such period, and (2) the current fiscal period began on August 1, 1972, and the rate of assessment herein fixed will apply to all assessable lettuce beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 11, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-21580 Filed 12-14-72;8:47 am]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 40]

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

Order Suspending a Certain Provision

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the southern Michigan marketing area.

It is hereby found and determined that for the months of January through March 1973, the provision "yogurt" contained in § 1040.12, the fluid milk product definition under this order, does not tend to effectuate the declared policy of the Act.

Statement of consideration. This suspension order will continue the effect of a current suspension which results in milk used to produce yogurt being classified and priced as Class III milk rather than as Class I milk. The current suspension expires December 31, 1972.

At a public hearing held in Lansing, Mich., on May 4–5, 1972, producers requested that the current suspension order classifying milk used in yogurt as Class III milk be continued during the interim period pending amendatory procedures. Producer and handler proposals would amend the order to classify milk used to produce yogurt in either Class II or Class III use. There is no indication of any opposition to this suspension action.

The continuation of marketing conditions which supported the previous suspension warrant suspension pending amendatory procedures. Southern Michigan handlers compete for yogurt sales with handlers in neighboring Federal order markets who pay a minimum price for milk in such use that is substantially less than the Southern Michigan Class I price. Without this suspension, Southern Michigan handlers will be unable to compete on a reasonable basis for yogurt sales.

It is hereby found and determined that notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without this action Southern Michigan handlers will be unable to compete on a reasonable basis for yogurt sales with handlers in neighboring markets who pay a minimum price for milk in such use that is substantially less than the Southern Michigan order Class I price;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension continues the effect of a previous suspension of the same provision. Producers requested continuation of such suspension at a public hearing held in Lansing, Mich., on May 4–5, 1972. There is no indication of any opposition to this suspension action providing additional time to complete pending amendatory procedures.

Therefore, good cause exists for making this order effective January 1, 1973.

It is hereby ordered, That the aforesaid provision of the order is hereby suspended for the months of January through March 1972.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1973.

Signed at Washington, D.C., on December 11, 1972.

PHILIP C. OLSSON,
Deputy Assistant Secretary.

[FR Doc.72-21582 Filed 12-14-72;8:47 am]

[Milk Order 46]

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

It is hereby found and determined that for the months of January through March 1973, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In paragraph (d) of § 1046.44, the provision "or cream"; and

2. In the introductory text of paragraph (e) of § 1046.44, the provision, "located less than 250 airline miles as determined by the market administrator, from the nearer of the city halls in either Louisville, Ky., or Evansville, Ind.,".

Statement of consideration. This suspension order will continue the effect of a current suspension which removes the automatic Class I classification of fluid cream transferred in bulk from a pool plant to a nonpool plant located more than 250 miles from the nearer of the city halls in Louisville, Ky., or Evansville, Ind. Such transfers of cream will continue to be classified according to use as is now provided in the order for transfers to nonpool plants located within the 250 mile radius. The current suspension expires December 31, 1972.

The continuation of the current suspension was requested by Dairymen, Inc., a cooperative association representing a majority of the producers on the market. The suspension will continue to facilitate the removal of excess butterfat from the

market by permitting cream to be classified as Class II milk if utilized in ice cream at plants located more than 250 miles from either Louisville, Ky., or Evansville, Ind.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate the disposal of surplus milk from the market;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension continues the effect of a previous suspension of the same provisions. The elimination of the mileage factor in classifying fluid milk products was considered at the multiorder hearing held in Clayton, Mo., in July of 1970. A recommended decision issued on June 4, 1971, recommended the elimination of the mileage limitation. There is no indication of any opposition to this suspension providing additional time to complete pending amendatory procedures.

Therefore, good cause exists for making this order effective January 1, 1973.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of January through March 1973.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Effective date: January 1, 1973.

Signed at Washington, D.C., on December 11, 1972.

PHILIP C. OLSSON,
Deputy Assistant Secretary.

[FR Doc.72-21583 Filed 12-14-72;8:47 am]

[Milk Order 1121; Docket No. AO-364-A5]

PART 1121—MILK IN THE SOUTH TEXAS MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the South Texas marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1973. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued November 7, 1972, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued November 29, 1972. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1973, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the South Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1121.22, paragraph (i) is revised as follows:

§ 1121.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1121.50 is revised as follows:

§ 1121.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1121.51, paragraph (a) is revised as follows:

§ 1121.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.68.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1973.

Signed at Washington, D.C., on December 11, 1972.

PHILIP C. OLSSON,
Deputy Assistant Secretary.

[FR Doc.72-21584 Filed 12-14-72; 8:47 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 70—EXAMINATION AND COPYING OF DEPARTMENT OF LABOR DOCUMENTS

Disclosure of Information Under Freedom of Information Act by Employees' Compensation Appeals Board

In order to clarify the authority of the Employees' Compensation Appeals Board to pass on requests that information relating to matters before the Board be disclosed, there is added to Title 29 a new § 70.74a which applies to requests to the ECAB for disclosure of information in connection with appeals before the Board the same standards which would be applied if the records were requested of the Employment Standards Administration under § 70.74 of Title 29.

As this section authorizes the Employees' Compensation Appeals Board to act upon requests under the same standards that would have been used if the request had been directed to the Employment Standards Administration this change is a procedural change which does not require notice of proposed rule making, public participation, or delay in the effective date. Accordingly, this revision shall be effective upon publication in the FEDERAL REGISTER (12–15–72).

A new § 70.74a is added to Title 29, of the Code of Federal Regulations reading as follows:

§ 70.74a Employees' Compensation Appeals Board.

In matters before the Employees' Compensation Appeals Board the Board shall make available, or deny access to, records in the proceedings to employees or their attorneys, or in case of death, to their beneficiaries or authorized representatives, in compliance with standards set out in 20 CFR 501.8.

Signed at Washington, D.C., this 8th day of December 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-21587 Filed 12-14-72;8:48 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 32153; Sub-No. 3]

PART 1201—RAILROAD COMPANIES

Uniform System of Accounts

Correction

In F.R. Doc. 72-20873, appearing on page 25845, in the issue of Tuesday, December 5, 1972, in the sixth line of account 705(a), the word "intercharged" should read "interchanged".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18180; FCC 72-1100]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

PART 25—SATELLITE COMMUNICATIONS

PART 73—RADIO BROADCAST SERVICES

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

PART 78—CABLE TELEVISION RELAY SERVICES

PART 87—AVIATION SERVICES

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Protection of Table Mountain, Boulder, Colo., From Radio Interference

Report and order. In the matter of amendments to Parts 21, 23, 25, 73, 74, 78, 87, 89, 91, and 93 of the Commission's rules relative to the protection of Table Mountain, Boulder, Colo., from radio interference, Docket No. 18180.

1. On May 8, 1968, the Commission adopted a notice of proposed rule making in the above entitled proceeding which was published in the FEDERAL REGISTER on May 15, 1968 (33 F.R. 7157). The notice was issued at the request of the U.S. Department of Commerce, for the purpose of developing a coordination procedure designed to protect the Department's Table Mountain Radio Receiving Zone in Boulder County, Colo., from harmful interference from non-Government radio stations. Comments were to be filed on or before June 18, 1968, and reply comments were to be filed on or before June 28, 1968. These dates were subsequently extended to July 18 and July 29, 1968, respectively, in response to a request by International Electronic Development Corp.

2. Comments were filed by: Armstrong Broadcasting Corp.; Representative Brotzman; Colorado Broadcasters Association; Comet Television Corp.; Communication Satellite Corp. (COMSAT); Denver Post, Inc.; International Electronic Development Corp. (IEDC); Karlo Broadcasting Ltd.; KCSU-FM, Colorado State University; KLMO, KLMO-FM; Lakewood Broadcasting Service, Inc. (Lakewood); Mullins Broadcasting Co.; Russel Shaffer; WGN of Colorado, Inc. Reply comments were filed by: Denver Post, Inc., and Environmental Science Services Administration, now National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce.

3. A number of the Broadcasters expressed the view that sufficient need had not been shown by the Department of Commerce, Boulder Laboratories, for protection of the Table Mountain Radio Receiving Zone, and several parties suggested that the Table Mountain complex should be relocated to a less populated area which could be protected without restricting the use of radio in the densely populated Denver-Boulder area. These points were addressed in the Commission's Notice wherein it was stated that the Commission is persuaded that some of the activities at Table Mountain are of such a nature that special effort should be made to protect them from harmful interference. Also, in the notice the Commission outlined the kind of work being done at Table Mountain[1] and the steps already taken to minimize interference at the site. Approximately $10 million of public money has gone into the development of the Table Mountain experimental site, and to relocate to a more remote area would incur tremendous additional and, we believe, unnecessary expense. Also, we believe such a move would seriously disrupt the activities of the Laboratories. The terrain at the site provides considerable natural shielding and the ambient noise level is relatively low despite the large and growing population of radio transmitters in the Boulder area. It is apparent, however, that the usefulness of the site for sensitive receiving experiments will be degraded in the future unless reasonable care is taken to coordinate new transmitting facilities. This is not to say that new stations will be prohibited or severely restricted, but rather that new users should recognize the need to minimize unnecessary radiation in the direction of Table Mountain.

[1] The Table Mountain facility is used by the National Bureau of Standards, the Environmental Research Laboratories, and the Institute of Telecommunications Sciences (ITS). ITS provides the primary research and analysis work for the Department of Commerce in support of the Office of Telecommunications Policy as directed by Executive Order 11556. Table Mountain also serves as the major receiving site for Commerce propagation studies on behalf of the Department of Defense and many other Federal Agencies. Uses of the facility are highly diverse in nature and duration, ranging from participation in the Platteville vertical ionospheric modification program to studies of the effects of weather on propagation and wave distortion, model antenna measurements, and radio astronomy.

4. COMSAT, Lakewood Broadcast Service, Inc., Russel Shaffer, and IEDC question the measurement methods and criteria to be used for determining potential interference to the Table Mountain facility. It was suggested that field strength values, stated in mV/m would be ambiguous and could prevent a given station from making a complete evaluation of its effect on the Table Mountain site. COMSAT proposes that the ambiguity be corrected by stating a reference bandwidth for each of the field strength values or by substituting power flux density levels for field strength values. COMSAT also feels that the methods for stating ERP values is "incomplete and therefore susceptible of an unduly restrictive interpretation." It feels that interpretation could be clarified by "(1) further defining the power as 'ERP in the horizontal plane in the azimuth direction of the Table Mountain site from the proposed station' and (2) either characterizing the ERP as a power density in watts per bandwidth unit, or specifiying that the stated ERP value applies on a per emission basis." Lakewood expresses specific concern about the manner in which measurements are to be made in determining signal strength. It suggests that the "current practice recognized by the FCC for the taking of measurements in various portions of the spectrum be specified." In areas in which the Commission has not designated specific measurement procedures, Lakewood recommends that the "procedures commonly employed by practitioners in the field be employed."

5. After further study and consultation with the Department of Commerce authorities, the Commission has decided to modify the proposed coordination criteria to conform to certain of the requests made in the comments. Specifically, we have expanded the criteria table to incorporate corresponding power flux density figures for each field strength figure. Also, we have accepted COMSAT's suggestion to clarify the criteria for measurement of ERP, i.e., that it be measured in the primary radiating plane of polarization in the direction of Table Mountain Radio Receiving Zone. Also, the Department of Commerce, Boulder Laboratories, have agreed with the suggestion that techniques used to measure signal strengths on Table Mountain be the same as those employed by practitioners in the respective radio services.

6. Much concern was expressed in the comments about the possible harmful effects of the proposals on the growth of broadcasting in the Denver-Boulder area. Questions were also raised concerning potential impact on presently authorized stations. The Boulder-Denver area is presently served by five VHF television stations. The TV stations represent the three major networks, an independent commercial outlet and an educational broadcasting station. There are 27 AM and FM broadcasting stations serving the Denver-Boulder area. As stated in the notice, presently authorized stations, broadcasting or otherwise, will not be required to reduce their signal levels at Table Mountain. The coordination procedure is designed to reduce the chance of harmful interference to the Table Mountain site from future assignments. There would be no impact on existing assignments except that coordination should be effected in the event of a modification of an existing assignment which would significantly increase its signal strength at Table Mountain.

7. It is emphasized that the distance/power criteria set forth in the appendix are intended only as a guideline for use by applicants in determining whether a proposed operation should be coordinated. If an applicant has reliable data showing that his proposed operation will not exceed the field strength/power flux density figures contained in the appendix, coordination would not be necessary. Also, none of the provisions of the coordination procedure apply to mobile stations. Close examination by the Department of Commerce, Boulder Laboratories, of an individual application may reveal that there is little or no likelihood of interference to the Table Mountain facility, and no modifications would be requested. If, on the other hand, a problem is indicated, the Department of Commerce, Boulder Laboratories, have stated that it will make every reasonable effort to work with the applicant to reach a solution satisfactory to both parties. It is expected that satisfactory coordination can be achieved in most instances prior to filing an application with the Commission. However, the Commission will assist, if necessary, in resolving difficult problems.

8. Therefore appropriate rule parts are being amended herein to include a cautionary statement, drawing the attention of prospective applicants to the need for consultation with the Department of Commerce authorities in advance of making application for facilities which may result in harmful interference at the Table Mountain site. As stated in the notice, the Commission will not screen applications to determine whether the recommended consultation has taken place. However, if an application is filed with the Commission after the effective date of the instant rule change without prior consultation with the Department of Commerce authorities which results in the installation of radio facilities which in fact deliver a signal at the reference point in excess of the field strength specified herein, the Commission may find it in the public interest to institute proceedings looking toward a requirement that the power level of the offending station be adjusted to a point where a specified field strength is not exceeded.

9. The Commission will make available to the Department of Commerce, copies of all public notices relating to applications accepted for filing in Parts 21, 23, 25, 73, 74, 78, 87, 89, 91, and 93, noting that such notices do not relate to many applications for stations in the last four parts named. The Department will be expected to screen such notices and notify the Commission, within 30 days of the date of such notice of its views in those instances where there appears to be a potential interference problem. The Commission will take such views into account in dealing with those applications in question, deciding each case on its merits in the public interest.

10. The Commission recognizes the need for appropriate interference protection for Table Mountain Radio Receiving Zone. The Commission believes that the public interest, convenience and necessity will be served by adopting the proposed coordination criteria with the minor modifications discussed above. Authority for these amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

11. *Accordingly, it is ordered,* That effective January 19, 1973, Parts 21, 23, 25, 73, 74, 78, 87, 89, 91, and 93 of the Commission's rules and regulations are amended as set forth below.

12. *It is further ordered,* That the proceedings in Docket No. 18180 are hereby terminated.

Adopted: December 6, 1972.

Released: December 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

§§ 21.15, 23.20, 25.203, 73.18, 73.215, 73.515, 73.623, 73.712, 74.12, 78.21, 87.31, 89.15, 91.8 and 93.9 [Amended]

In Chapter I of Title 47 of the Code of Federal Regulations, §§ 21.15(r), 23.20 (d), 25.203(d), 73.18(c), 73.215(c), 73.515 (c), 73.623(c), 73.712(c), 74.12(c), 78.21 (c), 87.31(f), 89.15(e), 91.8(m), and 93.9 (c) are added to read identically as set forth in § 21.15 below:

(r) Protection for Table Mountain Radio Receiving Zone, Boulder County, Colo.: Applicants for a station authorization to operate in the vicinity of Boulder County, Colo., under this part are advised to give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. These are the Research Laboratories of the Department of Commerce, Boulder County, Colo. To prevent degradation of the present ambient radio signal level at the site, the Department of Commerce seeks to ensure that field strengths at 40°07'50" N. latitude, 105°14'40" W. longitude, resulting from new assignments (other than mobile stations) or from the modification or relocation of existing facilities do not exceed the following values:

[2] Chairman Burch absent.

Frequency range	Field strength (mV/m) in authorized bandwidth of service	Power flux density [1] (dBW/m [2]) in authorized bandwidth of service
Below 540 kHz	10	−65.8
540 to 1600 kHz	20	−59.8
1.6 to 470 MHz	10	[2]−65.8
470 to 890 MHz	30	[2]−55.2
Above 890 MHz	1	[2]−85.8

[1] Equivalent values of power flux density are calculated assuming a free-space characteristic impedance of 376.7≈ 120 π ohms.

[2] Space stations shall conform to the power flux density limits at the earth's surface specified in appropriate parts of the FCC rules, but in no case should exceed the above levels in any 4-kHz band for all angles of arrival.

(1) Advance consultation is recommended particularly for those applicants who have no reliable data which indicates whether the field strength or power flux density figures in the above table would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested guide for determining whether coordination is recommended:

(i) All stations within 1.5 statute miles;

(ii) Stations within 3 statute miles with 50 watts or more effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone;

(iii) Stations within 10 statute miles with 1 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone;

(iv) Stations within 50 statute miles with 25 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone.

(2) Applicants concerned are urged to communicate with the Radio Frequency Management Coordinator, Department of Commerce, NOAA/OT/NBS, Time and Frequency Division, Boulder Laboratories, Boulder, Colo. 80302; telephone 303—499-3542, in advance of filing their applications with the Commission.

(3) The Commission will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Department of Commerce or proceedings to modify any authorization which may be granted which, in fact, delivers a signal at the reference point in excess of the field strength specified herein.

[FR Doc.72-21619 Filed 12-14-72;8:50 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 12—GRAND JUNCTION REMEDIAL ACTION CRITERIA

Correction

In F.R. Doc. 72-20896, appearing at page 25918, in the issue of Wednesday, December 6, 1972, in the third line of the introductory paragraph of § 12.9, insert the word "not", immediately after the word "but".

Title 12—BANKS AND BANKING

Chapter VII—National Credit Union Administration

PART 749—RECORDS PRESERVATION PROGRAM

Vital Records To Be Stored; Correction

On pages 25338-25340 of the November 30, 1972 edition of the FEDERAL REGISTER, there was published, in final form, a new Part 749 (12 CFR Part 749) by the National Credit Union Administration.

In the preamble to this publication on page 25338 of the aforementioned edition, a change numbered "10" appeared deleting certain language from the regulation as originally proposed. This language has not, in fact, been deleted.

The purpose of this correction is to accomplish that deletion.

Therefore, on page 25339, § 749.3(b), lines 11 and 12, delete "a detailed listing of all investments."

This correction is effective immediately.

HERMAN NICKERSON, Jr.,
Administrator.

DECEMBER 8, 1972.

[FR Doc.72-21571 Filed 12-14-72;8:46 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Brazoria National Wildlife Refuge, Texas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-15-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Sport fishing on the Brazoria National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 900 acres of inland salt lakes and 18 miles of shoreline, are delineated on maps available at refuge headquarters, Angleton, Tex., and from the Regional Director, Bureau of Sports Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing is not permitted on interior waters except Nicks Lake, Salt Lake, and Lost Lake.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

RAYMOND J. FLEETWOOD,
Refuge Manager, Brazoria National Wildlife Refuge, Angleton, Tex.

DECEMBER 4, 1972.

[FR Doc.72-21620 Filed 12-14-72;8:50 am]

PART 33—SPORT FISHING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-15-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Sport fishing on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 11,430 acres or 100 percent of the total water area of the refuge, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 16, 1972, through March 25, 1973, daylight hours only. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 25, 1973.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

DECEMBER 6, 1972.

[FR Doc.72-21569 Filed 12-14-72;8:46 am]

PART 33—SPORT FISHING

Wichita Mountains Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-15-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge area.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport fishing on the Wichita Mountains Wildlife Refuge, Cache, Okla., is

permitted from January 1, 1973, through December 31, 1973 inclusive, in all waters of that portion of the refuge open for recreational uses by the general public, except buoyed swimming areas and areas closed by appropriate signs. These open waters, comprising approximately 550 acres of lakes and 1 mile of intermittent stream, are delineated on maps available at refuge headquarters, Cache, Okla. 73527, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions:

1. Fishing with closely attended poles and lines, including rods and reels is permitted. The taking of any fish by any other means is prohibited, except the taking of nongame fish from Elmer Thomas Lake by the use of gigs, spears, or other similar devices (but not including bows and arrows) containing not more than three (3) points, with no more than two (2) barbs on each point, is permitted.

2. Fishermen may use one-man inner tube type "fishing floaters" while fishing. Wading while fishing is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

ROGER D. JOHNSON,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

DECEMBER 1, 1972.

[FR Doc.72-21631 Filed 12-14-72;8:50 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Proposed Approval of Expenses and Rate of Assessment for 1972–73 Fiscal Period

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1972, through July 31, 1973, will amount to $148,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at $0.005 per standard packed box.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 11, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-21581 Filed 12-14-72;8:47 am]

[7 CFR Part 1121]

[Docket No. AO-364-A6]

MILK IN SOUTH TEXAS MARKETING AREA

Rescheduling of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

A notice was issued on November 20, 1972 (37 F.R. 24905) giving notice of a public hearing to be held at the Host Airport Hotel-Houston, Houston Intercontinental Airport, 18700 Kennedy Boulevard, Houston, TX, beginning at 9:30 a.m., December 19, 1972 with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the South Texas marketing area.

Notice is hereby given, pursuant to the rules of practice applicable to such proceedings (7 CFR Part 900), that the said hearing is rescheduled to be held at the Host Airport Hotel-Houston, Houston Intercontinental Airport, 18700 Kennedy Boulevard, Houston, TX, beginning at 9:30 a.m., January 17, 1973.

Signed at Washington, D.C. on December 12, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-21623 Filed 12-14-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 12433]

CERTAIN S.N.I.A.S. ALOUETTE MODEL HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to S.N.I.A.S. Alouette Model SA 315B, SE 3160, SA 316B, SA 316C, SA 3180, SA 318B, SA 318C, and SA 319B helicopters. There have been failures of the main drive shaft and freewheel assembly on these helicopters that have caused forced landings.

Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require periodic inspection of the oil level in the assembly, and if found to be below the appropriate level, would require a teardown inspection of the assembly for cracks in the fillet area between the torque shaft and the hub, on S.N.I.A.S. Alouette Model SA 315B, SE 3160, SA 316B, SA 316C, SA 3180, SA 318B, SA 318C, and SA 319B helicopters. If no cracks were found at this inspection, the helicopter could be flown to a base, in accordance with FAR § 21.197, where further compliance with this airworthiness directive could be accomplished. In particular, certain P/N torque shafts would be required to be replaced with new parts of modified design, the coupling teeth inspected and replaced, if necessary, and unless already incorporated, plugs installed for independent lubrication of the freewheel shaft assembly. However, if the fillet area were found to be cracked during the teardown inspection mentioned above, the torque shaft replacement would be required before further flight.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before January 15, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to all Alouette helicopter Models SA 315B, SE 3160, SA 316B, SA 316C, SA 3180, SA 318B, SA 318C, and SA 319B.

Compliance is required as indicated.

To prevent further failures of the main drive shaft and freewheel assembly, P/N 3160S.60.00.000 or 3160S.60.10.000, as a consequence of inadequate lubrication, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 25 hours' time in service from the last inspection, unsafety all eight attachment screws P/N 3160S.62.02.013 or 3160S.62.02.020 securing the freewheel shaft assembly to the clutch unit, and remove any one screw above the horizontal plane. Rotating the shaft by hand, determine the level of oil in the assembly by noting the angular position of the open screw hole, below the horizontal plane, at which oil first flows from the hole.

(b) For freewheel shaft assemblies which embody the shaft plug, P/N 340A.32.0114.20 of Aerospatiale Modification AM 1077, or Aerospatiale Service Bulletin 65.07 for Model SA 315B and Service Bulletin No. 65.85 for other affected models—

(1) If the angular position of the screw hole corresponding with the level of oil in the freewheel shaft assembly determined during an inspection performed in accordance with paragraph (a) does not exceed 15° below the horizontal plane, replace the screw, torque all eight screws to appropriate value given in paragraph (g), and resafety the screws in pairs.

(2) If the angular position of the screw hole corresponding with the level of oil in the shaft assembly determined during an inspection performed in accordance with paragraph (a) exceeds 15° below the horizontal plane, before further flight, except that the aircraft may be flown in accordance with FAR § 21.197, after compliance with paragraph (d), to a base where the work can be performed, comply with paragraph (e).

(c) For freewheel shaft assemblies which do not embody shaft plug P/N 340A.32.0114.-20—

(1) If the angular position of the screw hole corresponding with the level of oil in the freewheel shaft assembly determined during an inspection performed in accordance with paragraph (a) does not exceed 45° below the horizontal plane, replace the screw, torque all eight screws to appropriate value given in paragraph (g) and resafety the screws in pairs.

(2) If the angular position of the screw hole corresponding with the level of oil in the shaft assembly determined during an inspection performed in accordance with paragraph (a) exceeds 45° below the horizontal plane, before further flight, except that the aircraft may be flown in accordance with FAR § 21.197, after compliance with paragraph (d), to a base where the work can be performed, comply with paragraph (e).

(d) Perform the following prior to flight in accordance with FAR § 21.197:

(1) Remove and inspect each of the 16 screws, P/N 3160S.62.02.013 or 3160S.62.02.020, attaching the freewheel shaft assembly for cracks, marks, and elongation. If cracks, marks, or elongation are found on any screw, replace all 16 screws with screws of the same P/N.

(2) Using dye penetrant and a glass of at least 10-power magnification, or an FAA-approved equivalent process, inspect the blend (fillet) area between the torque shaft and the hub at each end of the freewheel shaft assembly for cracks. If cracks are found, before further flight, replace the shaft in accordance with paragraph (e).

(3) With one screw hole in each coupling open and located in the horizontal plane, add gearbox oil (MIL-L-6086) to fill the freewheel shaft assembly to that level.

(4) Torque all 16 attachment screws to appropriate values given in paragraph (g), and safety the screws in pairs.

(e) Accomplish the following:

(1) For assemblies, P/N 3160S.60.00.000, replace torque shaft with a new part of modified design, P/N 3160S.60.10.001, having a fillet radius of 5 mm. between the torque shaft and hub flange. Identify the modified assembly as P/N 3160S.60.10.000.

(2) For assemblies, P/N 3160S.60.10.000, other than those referred to in subparagraph (e) (1), remove the assembly and inspect the fillet between the torque shaft and the hub for cracks using dye penetrant and a glass of at least 10-power magnification, or an FAA-approved equivalent process. If cracks are found, before further flight replace the torque shaft with a new part of the same part number.

(3) Remove the coupling oil seal housings and inspect the coupling teeth; replace any part having teeth that show signs of wear or overheating.

(4) Unless already accomplished, install provisions for lubrication of the freewheel shaft assembly independently of the main gearbox oil system (plug P/N 340A.32.-60114.20) by embodying Aerospatiale Modification AM 1077 in accordance with S.N.I.A.S. Alouette Service Bulletin No. 65.07 dated November 10, 1971, for Models SA 315B, and No. 65.85 dated November 10, 1971, for other affected models, or an FAA-approved equivalent.

(5) Install reworked main drive shaft and freewheel assemblies P/N 3160S.60.10.000, using 16 new attachment screws P/N 3160S.60.02.020.

(6) With one screw hole in each coupling open and located in the horizontal plane, add gearbox oil (MIL-L-6086) to fill the freewheel shaft assembly to that level.

(7) Torque all 16 attachment screws to appropriate values given in paragraph (g), and safety the screws in pairs.

(f) For main drive shaft and freewheel assemblies reworked in accordance with paragraph (e), comply with paragraph (a) within the next 5 hours' time in service following the rework, and thereafter at intervals not to exceed 25 hours' time in service from the last inspection.

(g) Torque attachment screws P/N 3160S.62.02.013 and 3160S.62.00.020 as follows:

(1) 52 to 69 inch-pounds for screws P/N 3160S.62.02.013 (the heads of which either bear no reference or are marked L9).

(2) 69 to 87 inch-pounds for screws P/N 3160S.62.02.020 (the heads of which are marked L11).

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 8, 1972.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.72-21572 Filed 12-14-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WA-13]

DALLAS-FORT WORTH, TEX. Proposed Terminal Control Area

The Federal Aviation Administration (FAA) is considering the adoption of a Group I terminal control area for Dallas-Fort Worth, Tex. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations. Further information concerning flight within TCA's is contained in FAA Advisory Circular AC No. 91-30 dated 6/11/70, Subject: Terminal Control Areas (TCA's).

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

A notice of proposed rule making (NPRM) (35 F.R. 10229) was published in the FEDERAL REGISTER on June 23, 1970, proposing the establishment of a terminal control area for Dallas, Tex. (Love Field). Many users objected to the TCA concept and indicated a preference for climb/descent corridors. As a result of these objections at Dallas and at other locations, the FAA agreed to conduct tests of the corridor concept. All users were invited to observe and/or participate in the tests and further action on the TCA program was suspended pending their completion.

A comprehensive simulation of the corridor concept was conducted at Boston, Mass., during June and July of 1971 and a final report was issued in September 1971. It was concluded that although any of the proposed airspace configurations tested would provide the desired degree of safety, the TCA configuration provides for the most efficient use of the airspace in a high density terminal area. Therefore, the FAA resumed rulemaking action necessary to establish TCA's at Dallas and other specified locations.

The new Dallas-Fort Worth Airport is scheduled to be operational in July 1973. Since the majority of turbojet aircraft will move their operations to the new airport, the proposed Dallas (Love Field) TCA has been withdrawn.

If adopted, the proposed Dallas-Fort Worth TCA would become effective on or soon after the opening date of the airport. The airspace configuration is based on new terminal air traffic control procedures developed for the new location and incorporates knowledge and experience gained from existing TCA's.

On October 4, 1972, a meeting with users and user representatives was held in the Fort Worth FAA Regional Office

and the newly proposed TCA configuration was presented. Response from attendees was generally favorable; however, the Air Transport Association representative felt that the two-mile distance from the west boundary of Area A to the airport was not sufficient to contain circling approaches or "go-arounds." It was explained that Area A had been designed to include all routine operations and to exclude the four general aviation airports and the Bell Heliport west of the regional airport. Due to the number of runways planned for the regional airport, circle-to-land maneuvers are not anticipated for the area in question. None of the missed approach procedures would traverse the area. Infrequent "go-arounds" which would exit the TCA abeam the airport would still be contained within the airport traffic area where all flights are under direction of the tower. Therefore, adequate justification for expanding Area A does not exist at this time.

The feasibility of a VFR corridor was also discussed, but rejected; the consensus of those present being that the corridor would be of questionable advantage to VFR aircraft. There is sufficient airspace available under the TCA floors for the VFR aircraft to alter course slightly when necessary to go around Area A.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 F.R. 7782) it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(a) Group I terminal control areas.

DALLAS-FORT WORTH, TEX., TERMINAL CONTROL AREA

Primary Airport

Dallas-Fort Worth Airport (Latitude 32°-53'53" N., Longitude 97°02'24" W.).

Boundaries

1. *Area A.* That airspace extending from the surface to and including 8,000 feet MSL beginning at latitude 33°00'30" N., longitude 96°59'30" W., thence counterclockwise along a 7 NM arc of the Dallas-Fort Worth Airport to latitude 32°58'30" N., longitude 97°08'45" W., to latitude 32°55'30" N., longitude 97°05'-30" W., to latitude 32°47'30" N., longitude 97°05'30" W., thence counterclockwise along a 7 NM arc of the Dallas-Fort Worth Airport to latitude 32°51'45" N., longitude 96°54'14" W., to latitude 32°56'00" N., longitude 96°59'-30" W., to point of beginning.

2. *Area B.* That airspace extending from 2,000 feet MSL to and including 8,000 feet MSL beginning at latitude 33°00'30" N., longitude 96°59'30" W., to latitude 33°02'45" N., longitude 96°59'30" W., thence counterclockwise along a 9 NM arc of the Dallas-Fort Worth Airport to latitude 33°00'00" N., longitude 97°10'15" W., to latitude 32°58'30" N., longitude 97°08'45" W., thence clockwise along a 7 NM arc of the Dallas-Fort Worth Airport to the point of beginning and beginning at latitude 32°51'45" N., longitude 96°54'15" W., to latitude 32°50'10" N., longitude 96°52'30" W., thence clockwise along a 9 NM arc of the Dallas-Fort Worth Airport to latitude 32°45'15" N., longitude 97°05'30" W., to latitude 32°47'30" N., longitude 97°05'30" W., thence counterclockwise along a 7 NM arc of the Dallas-Fort Worth Airport to the point of beginning.

3. *Area C.* That airspace extending from 3,000 feet MSL to and including 8,000 feet MSL beginning at latitude 32°52'00" N., longitude 96°54'30" W., to latitude 33°07'15" N., longitude 96°54'30" W., thence counterclockwise along a 15 NM arc of the Dallas-Fort Worth Airport to latitude 33°06'45" N., longitude 97°11'30" W., to latitude 32°41'00" N., longitude 97°11'30" W., thence counterclockwise along a 15 NM arc of the Dallas-Fort Worth Airport to latitude 32°45'45" N., longitude 96°47'30" W., to latitude 32°56'00" N., longitude 96°59'30" W., to latitude 33°02'45" N., longitude 96°59'30" W., thence counterclockwise along a 9 NM arc of the Dallas-Fort Worth Airport to latitude 33°00'00" N., longitude 97°10'15" W., to latitude 32°55'30" N., longitude 97°05'30" W., to latitude 32°45'15" N., longitude 97°05'30" W., thence counterclockwise along a 9 NM arc of the Dallas-Fort Worth Airport to latitude 32°50'10" N., longitude 96°52'30" W., to point of beginning.

4. *Area D.* That airspace extending from 4,000 feet MSL to and including 8,000 feet MSL beginning at latitude 32°45'45" N., longitude 96°47'30" W., thence clockwise along a 15 NM arc of the Dallas-Fort Worth Airport to latitude 32°41'00" N., longitude 97°-11'30" W., to latitude 32°35'20" N., longitude 97°11'30" W., thence counterclockwise along a 20 NM arc of the Dallas-Fort Worth Airport to latitude 32°42'00" N., longitude 96°43'10" W., to the point of beginning and beginning at latitude 33°07'15" N., longitude 96°54'30" W., to latitude 33°12'00" N., longitude 96°-54'30" W., to latitude 33°11'30" N., longitude 97°11'30" W., to latitude 33°06'45" N., longitude 97°11'30" W., thence clockwise along a 15 NM arc of the Dallas-Fort Worth Airport to the point of beginning.

5. *Area E.* That airspace extending from 5,000 feet MSL to and including 8,000 feet MSL beginning at latitude 32°52'00" N., longitude 96°54'30" W., to latitude 33°12'00" N., longitude 96°54'30" W., to latitude 33°-12'00" N., longitude 96°52'10" W., thence along a 20 NM arc of the Dallas-Fort Worth Airport to latitude 32°42'00" N., longitude 96°43'10" W., to the point of beginning and beginning at latitude 32°35'20" N., longitude 97°11'30" W., to latitude 33°11'30" N., longitude 97°11'30" W., to latitude 33°11'20" N., longitude 97°14'15" W., thence counterclockwise along a 20 NM arc of the Dallas-Fort Worth Airport to the point of beginning.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washington, D.C., on December 8, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-21578 Filed 12-14-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-79]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Laredo, Tex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

1. In § 71.171 (37 F.R. 2056), the Laredo, Tex., control zone is amended to read:

LAREDO, TEX.

Within a 5-mile radius of Laredo AFB (latitude 27°32'35" N., longitude 99°27'40" W.), within 2 miles each side of the Laredo VORTAC 326° radial extending from the 5-mile radius zone to 16 miles northwest of the VORTAC, within 2 miles each side of the Laredo ILS localizer northwest course extending from the ILS localizer site (latitude 27°36'-12.6" N., longitude 99°30'50.2" W.) to 7 miles northwest; within 1 mile northeast and 4 miles southwest of the Laredo VORTAC 347° radial extending from the 5-mile radius zone to 17 miles northwest of the VORTAC; within 2 miles west of the Laredo VORTAC 357° radial extending from the 5-mile radius zone to 11 miles north of the VORTAC; within 2 miles each side of the Laredo VORTAC 149° and 329° radials, extending from the 5-mile radius zone to 8 miles southeast of the VOR TAC; within 4 miles west of the Laredo VOR TAC 192° radial extending from the 5-mile radius zone to 7.5 miles southwest of the VORTAC, excluding those portions outside the United States. This control zone will be effective during the specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. In § 71.181 (37 F.R. 2143), the Laredo, Tex., transition area is amended to read:

LAREDO, TEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Laredo AFB (latitude 27°32'35" N., longitude 99°27'40" W.), within a 13-mile radius of the Laredo VORTAC extending

from a line 5 miles northeast of and parallel to the Laredo VORTAC 149° radial clockwise to the United States-Mexico border, within 2 miles each side of the Laredo VORTAC 326° radial, extending from the 9-mile radius area to 20 miles northwest of the VORTAC, within 2 miles each side of the Laredo VORTAC 336° radial extending from the 9-mile radius area to 26 miles northwest of the VORTAC, within 9 miles west of the Laredo VORTAC 002° radial extending from the 9-mile radius area to 22 miles north of the VORTAC, excluding those portions outside the United States.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on December 6, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-21577 Filed 12-14-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-115]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Westhampton Beach, N.Y., transition area (37 F.R. 16935).

With the development of a new ILS instrument approach procedure for runway 24, additional airspace will be needed to protect the aircraft executing the new instrument procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Westhampton Beach, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Westhampton Beach, N.Y., 700-foot floor transition area by adding "and within 5 miles each side of the Squire, N.Y. OM (latitude 40°54'16" N., longitude 72°33'25" W.) extending from the 9-mile radius area to 11.5 miles northeast of the OM." following "(latitude 40°50'39" N., longitude 72°37'49" W.)".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 28, 1972.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.72-21576 Filed 12-14-72;8:46 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 1-3; Notice 5]

MOTORCYCLE BRAKE SYSTEMS

Master Cylinder Labeling and Water Recovery Test Procedures

This notice proposes amendments to 49 CFR 571.122, Motor Vehicle Safety Standard No. 122, *Motorcycle Brake Systems* (37 F.R. 5033) that would modify the master cylinder labeling and the wetting procedure for the water recovery test.

Paragraph S5.1.2.2 of Standard No. 122 requires that a label be affixed on or near the brake master cylinder fluid reservoir filler or cap containing the warning that only DOT 3 or 4 brake fluid from a sealed container should be used. The NHTSA believes that the label wording should be identical to that required by paragraph S5.4.3 of the recently amended Motor Vehicle Safety Standard No. 195, *Hydraulic Brake Systems* (37 F.R. 17970) which contemplates the use of brake fluids other than DOT 3 and 4 such as silicone-based and petroleum-based brake fluids. Therefore NHTSA is proposing that the reference to DOT fluids be deleted and that the manufacturer specify the appropriate fluid for the system.

Paragraph S7.10.2 of Standard No. 122 contains the test procedure for the water recovery test, and specifies simultaneous immersion of front and rear brake assemblies for 5 minutes. Manufacturers have commented that this test procedure causes engine stall and other problems that make testing difficult. In order to make the test procedure easier and less costly to accomplish, it is proposed that the brakes be immersed sequentially. The rear brake assembly would be immersed for 2 minutes, followed by the front brake assembly for a 2-minute period, with the entire wetting procedure performed in not more than 5 minutes.

In consideration of the foregoing, it is proposed that 49 CFR 571.122, Motor Vehicle Safety Standard No. 122, be amended as follows:

1. Paragraph S5.1.2.2 would be amended to read:

S5.1.2.2 *Master cylinder label.* Each motorcycle shall have the following label appropriately completed with the manufacturer's recommendation as to the type of fluid, as specified in Standard No. 116 (49 CFR 571.116), to be used in the vehicle brake system. The label shall be located so as to be visible by direct view, permanently affixed, stamped or embossed either on or within 4 inches of the brake fluid reservoir filler plug or cap, in lettering at least one-eighth of an inch high on a contrasting background:

WARNING

Use only —— fluid from a sealed container. Clean filler cap before removing.

2. Paragraph S7.10.2 would be amended to read:

S7.10.2 *Wet brake recovery stops.* Completely immerse the rear brake assembly of the motorcycle in water for 2 minutes with the brake fully released. Next completley immerse the front brake assembly of the motorcycle in water for 2 minutes with the brake fully released. Perform the entire wetting procedure in not more than 5 minutes. Immediately after removal of the front brake from water, accelerate at a maximum rate to 30 m.p.h. without a brake application. Immediatley upon reaching that speed make five stops, each from 30 m.p.h. at 10 to 11 fpsps for each stop. After each stop (except the last) accelerate the vehicle immediately at a maximum rate of 30 m.p.h. and begin the next stop.

Proposed effective date: January 1, 1974.

Interested persons are invited to submit data, views, and arguments concerning the proposed amendment. Comments should identify the docket number, and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required that 10 copies be submitted.

All comments received before the close of business on January 29, 1973, will be considered and will be available for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered. However, the rule-making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. Relevant material will continue to be filed, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice of proposed rule making is issued under the authority of sections

103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on: December 11, 1972.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.72-21592 Filed 12-14-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19644; FCC 72-1111]

FM BROADCAST STATION IN COLORADO SPRINGS, COLO.

Proposed Table of Assignments and Order To Show Cause

In the matter of amendment of § 73.202(b), *Table of assignments,* FM Broadcast Station. (Colorado Springs, Colo.), Docket No. 19644, RM-1886.

1. Notice of proposed rule making is hereby given with respect to amendment of the FM table of assignments (§ 73.202 (b) of the Commission's rules) as a concerns Colorado Springs, Colo. This action is based on the petition of Western Broadcasting Co. (Western), licensee of Stations KPIK (an AM daytime only station) and KPIK-FM, Channel 232A, Colorado Springs, Colo. Western requests the substitution of Channel 230 for 232A and also that the license of Station KPIK-FM be modified to specify operation on the new channel.

2. Principal reliance is placed on the size and growth factor of Colorado Springs. Colorado Springs, population 135,060,[1] is the largest city and seat of El Paso County, population 235,972; [2] its population increase from 1960 to 1970 was 92.4 percent (54.4 percent in the prior decade). Aural broadcasting in Colorado Springs consists of six standard broadcast stations—four unlimited time and two daytime-only—and five FM stations, all occupied and Class C with the exception of Station KPIK-FM.

3. The petitioner has adduced a substantial amount of information concerning the population and business growth of Colorado Springs. For example, petitioner states that it is the headquarters of NORAD—the Nation's aerospace defense system, the site of the Air Force Academy—Colorado's number one tourist attraction, and the location of an increasing number of industries. While not explicitly stated, the petitioner implies that it cannot compete with the four Class C FM stations of Colorado Springs (as well as Station KCMS-FM, Channel 274, Manitou Springs, about 5 miles from Colorado Springs).

4. It would appear that petitioner, Western Broadcasting Co., has made a sufficient showing that the public interest, convenience, and necessity might be served by substituting Channel 230 for 232A at Colorado Springs in the light of the mandate of section 307(b) of the Communications Act of 1934, as amended, to make a fair, efficient, and equitable distribution of radio service. In this respect, however, it is noted that the petitioner did not provide any studies showing the areas in which use of Channel 230 might be precluded if assigned to Colorado Springs. It also appears that adjacent channel preclusion might exist. Western is specifically requested to comment on this aspect of the proposal. (See policy to govern requests for additional FM assignments, 9 RR 2d 1245 (1967).)

5. In accordance with the foregoing, the Commission requests comments on the following proposed revision of the FM table of assignments (§ 73.202(b) of our Rules), with respect to Colorado Springs:

City	Channel No.	
	Present	Proposed
Colorado Springs, Colo.	225, 232A, 236, 243, 270.	225, 230, 236, 243, 270.

Authority for the action proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

6. Western Broadcasting Co., licensee of Station KPIK-FM, is ordered to show cause, pursuant to section 316 of the Communications Act of 1934, as amended, why its license should not be modified to specify Channel 230 instead of Channel 232A, if it is concluded in this proceeding that this change would be in the public interest.

7. Cut-off procedure. The following procedure will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in this proceeding, and public notice to that effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before January 19, 1973, and reply comments on or before January 29, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room, at its Headquarters, 1919 M Street NW., Washington, DC.

Adopted: December 6, 1972.

Released: December 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-21618 Filed 12-14-72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC-7555, File No. S7-461]

INVESTMENT COMPANY REGULATIONS

Sale of Redeemable Securities Without a Sales Load Following Redemption

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule 22d-2 (17 CFR 270.22d-2) under section 22(d) of the Investment Company Act of 1940 (Act) (15 U.S.C. 80a-22(d)) to allow sales of redeemable shares of a registered investment company at prices which reflect the elimination of sales load under the circumstances described below. The rule would be adopted pursuant to the authority granted the Commission by sections 6(c), 38(a), and 22 (d) of the Act (15 U.S.C. 80a-6(c), 80a-37(a), 80a-22(d)).

Section 6(c) of the Act provides that the Commission by rule, regulation, or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

Section 22(d) of the Act prohibits a registered investment company, its principal underwriter, or a dealer from selling any redeemable security issued by such registered investment company to any person except at a current public offering price described in the prospectus. Rule 22d-1 was adopted to codify certain

[1] All population data are from the 1970 census, unless otherwise specified.

[2] The county is a Standard Metropolitan Statistical Area (SMSA).

[3] Chairman Burch absent.

administrative interpretations of section 22(d) and certain orders for exemption from its provisions granted under section 6(c) of the Act which related to permissible variation in the sales load of redeemable securities.[1] Rule 22d–2 is proposed for the same purpose. The Commission has previously granted applications for exemption from section 22(d) and Rule 22d–1 thereunder which allowed redeeming shareholders, within 15 days of redemption, a one-time privilege to reinvest in that investment company's shares without a sales load in order to permit the rectification of mistaken redemptions without any added costs.[2] This proposal differs from applications granted previously, however, in that it would allow this privilege to be exercisable within 30 days of redemption. The Commission believes that 30 days may be a more appropriate period of time than 15 in that it allows for unavoidable processing and mailing delays and will also give shareholders a more adequate period of time to determine whether redemption is the best means of satisfying their financial needs. A longer period, however, might lead investors to redeem their investments for purposes of speculation or to obtain a tax loss with the intention of reinvesting the proceeds after 30 days.

[1] Investment Company Act Release No. 2798, Dec. 2, 1958 (23 F.R. 9601). Paragraph (h) of Rule 22d–1 was subsequently amended. (Investment Company Act Release No. 6347, Feb. 8, 1971 (36 F.R. 2965).)

[2] In the Matter of United Funds, Inc., et al. (Investment Company Act Release No. 7189, May 25, 1972); In the Matter of Dreyfus Corp., et al. (Investment Company Act Release No. 7279, July 18, 1972).

The provision in the proposed rule that sales personnel receive no compensation of any kind based on the reinvestment is designed to insure that redeeming shareholders are not subjected to intensive sales efforts under the guise of providing them with information necessary to correct a mistaken redemption. The 30-day limitation is also designed to curtail the possibility of such a sales effort.

The proposed rule would permit a shareholder who has redeemed investment company shares to reinvest in that company, or any other investment company in which the issuer offers an exchange privilege, at net asset value, an amount not in excess of the proceeds of redemption. The reinvestment privilege (a) must be offered pursuant to a uniform offer described in the prospectus; (b) may be exercised only once with respect to any redeemable security of a particular investment company purchased from such company or its principal underwriter; and (c) must be exercised within 30 days of the redemption.

Commission action. Part 270 of Chapter II of the Code of Federal Regulations is proposed to be amended by adding a new § 270.22d–2.

As proposed § 270.22d–2 would read as follows:

§ 270.22d–2 Sale of redeemable securities without a sales load following redemption.

A registered investment company which is the issuer of redeemable securities, a principal underwriter of such securities, or a dealer therein shall be exempted from the provisions of section 22(d) to the extent necessary to permit the sale of such securities by such person at prices which reflect the elimination of the sales load pursuant to a uniform offering price described in the prospectus to any person who has redeemed shares in such company in whole or in part and, with the proceeds of that redemption, is purchasing shares in such company, or another investment company as to whose shares such company offers a no-load exchange privilege: Provided, however, (a) that such sale does not exceed the amount of the redemption proceeds (or the nearest full share if fractional shares are not purchased); (b) that no such sale may be made to any shareholder who has exercised the reinvestment privilege previously with respect to any redeemable security purchased from such company or such principal underwriter; (c) that such sale is effected within 30 days after such redemption; and (d) that sales personnel and dealers receive no compensation of any kind based on the reinvestment.

(Secs. 6(c), 22(d), 38(a), 54 Stat. 800, 823, 841; 15 U.S.C. 80a–6(c), 80a–22(d), 80a–37(a))

All interested persons are invited to submit their views and comments on the proposed adoption of Rule 22d–2. Written statements of views and comments in respect to the proposed Rule should be submitted to Ronald F. Hunt, Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549, on or before January 31, 1973, and should refer to File No. S7–461. All such communications will be available for public inspection.

By the Commission, December 8, 1972.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-21607 Filed 12-14-72;8:49 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Notice of Public Meeting

Pursuant to section 13(a)(2) of Executive Order 11671, notice is hereby given that a meeting of the Advisory Committee on Voluntary Foreign Aid will be held at 9:30 a.m., on December 21, 1972, in Room 5951, Department of State, Washington, D.C. 20523.

The Advisory Committee on Voluntary Foreign Aid was created to assist in tying together the interest of the public and private sectors in overseas relief, rehabilitation and technical assistance.

The membership of the Committee is as follows:

Charles P. Taft, Chairman; Margaret Hickey, Vice Chairman; Gordon M. Cairns, Ugo Carusi, John B. Faegre, Jr., Adelaide C. Hill, Clifford R. Hope, Jr., Martha Emery Irvine, George Nelson Lund, and Raymond F. McCoy.

The agenda for the December 21 meeting consists of a discussion of the Committee's charter which is being prepared to meet the requirements of the Federal Advisory Committee Act; consideration of registration procedures; and discussions pertaining to the activities of voluntary agencies and the relationship of A.I.D. in overseas programs.

The meeting will be open to the public.

Further information with reference to this meeting may be obtained from Howard S. Kresge, Executive Director, Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Room 3664 New State Building, Washington, D.C. 20523, Telephone No. AC 202-632-7923.

Dated: December 8, 1972.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.72-21596 Filed 12-14-72;8:49 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 107 (Rev. 16)]

DIRECTOR, OFFICE OF CENTRAL SERVICES, ET AL.

Delegation of Authority To Affix Seal

By virtue of the authority vested in the Secretary of the Treasury, including the authority conferred by 5 U.S.C. 301, and by virtue of the authority delegated to me by Treasury Department Order No. 190 (revised), it is hereby ordered that:

1. Except as provided in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

(a) In the Office of Central Services, Office of the Secretary:

(1) Director, Office of Central Services.

(2) Chief, Communications and Personal Property Division.

(3) Chief, Printing and Reproduction Division.

(4) Chief, Records Management Branch.

(5) Chief, Directives Control and Distribution Section.

(b) In the Internal Revenue Service:

(1) Commissioner of Internal Revenue.

(2) Assistant Commissioner (Compliance).

(3) Deputy Assistant Commissioner (Compliance).

(4) Chief, Disclosure Staff.

(5) Assistant Chief, Disclosure Staff.

(c) In the Bureau of Customs:

(1) Commissioner of Customs.

(2) Deputy Commissioner of Customs.

(3) Assistant Commissioner of Customs (Administration).

(4) Assistant Commissioner of Customs (Investigations).

(5) Assistant Commissioner of Customs (Operations).

(6) Assistant Commissioner of Customs (Regulations and Rulings).

(7) Assistant Commissioner of Customs (Security and Audit).

(d) In the Bureau of the Public Debt:

(1) Commissioner of the Public Debt.

(2) Assistant Commissioner of the Public Debt.

(3) Director of the Chicago Office.

(e) In the Bureau of Alcohol, Tobacco and Firearms:

(1) Director.

(2) Deputy Director.

(3) Regional Directors.

(4) Assistant Director for Technical and Scientific Services.

(5) Chief, Technical Services Division.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this order.

3. The Director of Central Services, the Commissioner of Internal Revenue, the Commissioner of the Public Debt, and the Director, Bureau of Alcohol, Tobacco and Firearms are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1(c) may make use of such dies.

Treasury Department Order No. 107 (Revision No. 15) is superseded.

Dated: December 11, 1972.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.72-21630 Filed 12-14-72;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 36996]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 8, 1972.

The Defense Civil Preparedness Agency, Department of Defense, has filed an application, Serial Number Wyoming 36996, for the withdrawal of the land described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, subject to valid existing rights.

The applicant wishes to insure tenure of the land as it is required for the operation and maintenance of a Decision Information Distribution System (DIDS). DIDS is a new, nationwide, low-frequency radio warning system for civil defense attack warning and local disaster warning.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views, in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, WY 82001.

The Department's regulations 43 CFR 2351.4(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine

whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 35 N., R. 94 W., Sec. 25, all.

The area described contains 640 acres.

JOHN T. WASSERBURGER,
Acting State Director.

[FR Doc.72-21570 Filed 12-14-72;8:46 am]

Fish and Wildlife Service

SEMIDI NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 7 p.m. on January 31, 1973, at Loussac Library, Anchorage. Third Judicial District, Alaska, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including all or part of the Semidi National Wildlife Refuge within the National Wilderness Preservation System.

The Semidi National Wildlife Refuge contains approximately 256,000 acres of lands and waters located in the Gulf of Alaska.

A brochure containing a map and information about the Semidi Wilderness Proposal may be obtained free of charge from the Refuge Manager, Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571; or from the Area Director, Bureau of Sport Fisheries and Wildlife, 813 D Street, Anchorage, AK 99501.

Individual citizens and representatives of organizations or government agencies may express their views orally or in writing by attending the public hearing. For those unable to attend the hearing, written testimony may be submitted to the Area Director, Bureau of Sport Fisheries and Wildlife, 813 D Street, Anchorage, AK 99501 by March 3, 1973.

F. V. SCHMIDT,
Deputy Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 8, 1972.

[FR Doc.72-21597 Filed 12-14-72;8:49 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

BROOKLYN COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00031-33-46040. Applicant: Brooklyn College, Department of Biology, Bedford Avenue and Avenue "H", Brooklyn, N.Y. 11210. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the study of particles having a virus-like morphology found in the soil amoeba, Naegleria gruberi to learn about the nature of these particles, their various developmental stages as seen in the ctytoplasm of infected cells, and the means by which they pass from one cell to the next.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron miscroscope manufactured by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated December 1, 1972 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-21560 Filed 12-14-72;8:45 am]

CARNEGIE-MELLON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00393-93-16600. Applicant: Carnegie-Mellon University, Physics Department, Schenley Park, Pittsburgh, Pa. 15213. Article: Dilution refrigerator. Manufacturer: Oxford Instrument Corp., United Kingdom. Intended use of article: The article is intended to be used in the investigation of the thermal and ultrasonic properties of solids to temperatures as low as 30 millidegrees Kelvin; specifically, the investigation of the attenuation of very high frequency sound in superconductors with very low transition temperatures.

Comments: No comments have been received with respect to this application. Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant's use in the investigation of thermal and magnetic properties of solids to temperatures as low as 30 millidegrees Kelvin requires the capability for producing millidegree temperatures provided by the foreign article. The National Bureau of Standards (NBS) advised in its memorandum dated August 31, 1972, that the capability for producing millidegree temperatures is a pertinent specification within the meaning of § 701.2(n) of the regulations. The most closely comparable domestic instrument, which was available at the time the article was ordered, is the dilution refrigerator manufactured by Superconductivity Helium Electronics Manufacturing Corp. (S.H.E.), San Diego, Calif. NBS also advised that the domestic dilution refrigerator manufactured by S.H.E. provides the capability for producing millidegree temperatures as low as 30 millidegrees, and accordingly, is of equivalent scientific value to the foreign

article for such purposes as the article is intended to be used.

For the foregoing reasons, we find that an instrument of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-21561 Filed 12-14-72;8:45 am]

CARNEGIE-MELLON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00392-98-16600. Applicant: Carnegie-Mellon University, Physics Department, Schenley Park, Pittsburgh, Pa. 15213. Article: Dilution refrigerator. Manufacturer: Oxford Instrument Corp., United Kingdom. Intended use of article: The article is intended to be used in the investigation of the thermal and ultrasonic properties of solids to temperatures as low as 30 millidegrees Kelvin; specifically, the investigation of the attenuation of very high frequency sound in superconductors with very low transition temperatures.

Comments: No comments have been received with respect to this application. Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant's use in the investigation of thermal and magnetic properties of solids to temperatures as low as 30 millidegrees Kelvin requires the capability for producing millidegree temperatures provided by the foreign article. The National Bureau of Standards (NBS) advised in its memorandum dated August 30, 1972 that the capability for producing millidegree temperatures is a pertinent specification within the meaning of § 701.2(n) of the regulations. The most closely comparable domestic instrument, which was available at the time the article was ordered, is the dilution refrigerator manufactured by Superconductivity Helium Electronic Manufacturing Corp. (S.H.E.), San Diego, Calif. NBS also advised that the domestic dilution refrigerator manufactured by S.H.E. provides the capability for producing millidegree temperatures as low as 30 millidegrees, and accordingly, is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

For the foregoing reasons, we find that an instrument of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc. 72-21562 Filed 12-14-72;8:45 am]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00030-33-75300. Applicant: State University of New York at Buffalo, Department of Pathology, Bell Facility Plant, 180 Race Street, Box U, Station B, Buffalo, NY 14207. Article: Semiautomatic radioautographic coating instrument. Manufacturer: Mr. V. Avarlaid, Canada. Intended use of article: The article will be used in studies of the quantitative localization of receptor sites in nerve-muscle junctions in normal animals and in those with muscular dystrophy. The device will be used to coat sections of tissue on slides with a liquid photographic emulsion and withdraw the slide at reproducible speed from a temperature controlled water bath which is part of the instrument.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises that the degree of uniformity of emulsion thickness which the foreign article provides is pertinent to the applicant's use in semiautomatic coating of tissue sections with liquid photographic emulsion. HEW further advises that it knows of no comparable domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-21563 Filed 12-14-72;8:45 am]

UNIVERSITY OF IOWA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00060-33-46070. Applicant: The University of Iowa, Iowa City, Iowa 52240. Article: Scanning electron microscope, Model S4. Manufacturer: Cambridge Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used to examine (1) fresh, wet, or live specimens over a prolonged time period, (2) quick-frozen specimens maintained at liquid nitrogen temperature in the microscope, (3) freeze-etch replicas in the scanning electron microscope, (4) the performance of the freeze-etch technique associated with the scanning electron microscope, and (5) the oogenesis of female germ cells, specifically the yolk platelets which serve to provide nourishment during the period of embryonic development. The article will be used by several departments representing a broad spectrum of biological and medical research. The article will also be used in teaching scanning electron microscopy in biological and medical research to graduate students.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Among the intended uses of the article is the study of the internal organization of egg, yolk, and yolk platelets of *Necturus, Rana,* reptiles, etc., which requires examination by freeze-etch techniques, as well as examination in fresh or quick-frozen condition. The Department of Health, Education, and Welfare (HEW) in a memorandum dated November 10, 1972 advises that these studies will require the vacuum control provided by independent vacuum systems on the chamber and column and a fully developed cryogenic stage. HEW advises also that the foreign article's fully developed cryogenic stage and independent vacuum systems are pertinent

specifications within the meaning of § 701.2(n) of the regulations.

In addition, HEW advises that comparable domestic instruments do not provide an independent vacuum control system and cryogenic stage that are scientifically equivalent to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-21564 Filed 12-14-72;8:45 am]

VETERANS ADMINISTRATION HOSPITAL

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00217-33-46040. Applicant: Veterans' Administration Hospital, 508 Fultron Street, Durham, NC 27705. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in anatomical studies, cytochemical studies on tissues, and diagnostic studies of tissue removed in the operating room. Application received by Commissioner of Customs: November 7, 1972.

Docket No. 73-00220-33-46040. Applicant: Veterans' Administration Hospital, Archer Road, Gainesville, Fla. 32601. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for studies of human, animal, and microbiologic tissues for clues to the origin and mechanisms of disease processes at the ultrastructural level. The experiments to be conducted include observations on the ultrastructural alterations in human tissues and various states of human disease as well as similar observations upon animal model counterparts of human disease. Toxic reactions of drugs at the ultrastructural level will also be examined. Investigation into the ultrastructural observations of the renal glomerulus in human disease states will be a prominent feature of the program. The article is essential for the instruction of technologists, post graduate students, post doctoral fellows, medical students and physicians in techniques of electron microscopy. Application received by Commissioner of Customs: October 24, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-21565 Filed 12-14-72;8:45 am]

Office of the Secretary

[Dept. Organization Order 25-5A; Amdt. 1]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

This order, effective November 30, 1972, amends the material appearing at 37 F.R. 12245 of June 21, 1972.

Department Organization Order 25-5A, dated May 19, 1972, is hereby amended as follows:

1. SEC. 3. *Delegation of authority.* The following new subparagraphs are added under paragraph .01:

v. The functions prescribed by Public Law 92-522, Marine Mammal Protection Act of 1972 (86 Stat. 1027).

w. The functions prescribed by Public Law 92-583, the Coastal Zone Management Act of 1972 (86 Stat. 1280).

2. SEC. 4. *Functions.* A new subparagraph is added to read:

q. Administer a national management program to preserve, protect, develop, and where possible restore or enhance the land and water resources of the coastal zones, including grants to the States and interagency coordination and cooperation, as provided by the Coastal Zone Management Act of 1972.

Effective date: November 30, 1972.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.72-21626 Filed 12-14-72;8:50 am]

[Dept. Organization Order 25-4B]

OFFICE OF MINORITY BUSINESS ENTERPRISE

Organization and Functions

This order effective December 5, 1972 supersedes the material appearing at 37 F.R. 5651 of March 17, 1972.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Office of Minority Business Enterprise (OMBE).

SEC. 2. *Organization structure.* The principal organization structure and line of authority shall be as depicted in the attached organization chart. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

SEC. 3. *Office of the Director.* .01 The Director shall formulate policies and programs for, and direct and manage all activities of, OMBE.

.02 The Deputy Director shall be the principal assistant to the Director and perform the functions of the Director in the latter's absence.

SEC. 4. *Administrative Division.* The Administrative Division shall be responsible for all administrative management matters and shall constitute the principal staff arm of the Director in the planning, development, and evaluation of the national minority enterprise effort. Specifically, it shall:

a. Develop comprehensive plans and specific program goals for OMBE's programs and, as appropriate, participate in the development of plans and goals, for other Government or Government-assisted programs contributing to the minority business enterprise effort.

b. Establish performance evaluation systems, and participate in the development of monitoring and reporting systems, to assure that plans and goals are being achieved, and, as appropriate, evaluate the impact of program operations in OMBE and other Government-assisted programs contributing to the minority business enterprise effort.

c. Develop, for the Director's approval, and monitor pilot or demonstration projects conducted by other public or by private agencies or organizations which are designed to overcome the special problems of minority business enterprise or otherwise further the purpose of the minority business enterprise program.

d. Review and make recommendations to the Director on all pilot and demonstration projects proposed by other elements of OMBE.

e. Facilitate the provision of personnel, procurement, accounting, payroll, and administrative support services by departmental offices under the Assistant Secretary for Administration.

f. Develop and maintain OMBE's internal administrative management system, and provide budget, management analysis, and local administrative services for OMBE.

g. Distribute and control OMBE correspondence and maintain control of correspondence files.

SEC. 5. *Office of the Chief Counsel.* The Office of the Chief Counsel shall provide legal services for all components of OMBE and coordinate OMBE's legislative program, subject to the overall authority of the Office of the General Counsel as provided in Department Organization Order 10-6.

SEC. 6. *Public Information Division.* The Public Information Division shall be

the focal point of public affairs activities involving OMBE programs. It shall assist other parts of OMBE in technical matters involving publications, speeches, displays, or other presentations for public audiences, including minority audiences; operate a central OMBE facility for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations, especially minority businessmen, in undertaking or promoting the establishment and successful operation of minority business enterprise; operate and maintain a library relating to minority business enterprise; and prepare, for the Director, reports of the Secretary of Commerce's activities under Executive Order 11625.

SEC. 7. *Government Programs Division.* The Government Programs Division shall facilitate the coordination of the plans, programs, and operations of other Federal departments and agencies, which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprise. It shall also promote the mobilization of activities and resources of State and local governments toward the growth of minority business enterprises, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies. Specifically the Division shall:

.01 Identify and develop working relationships with other Federal departments and agencies, and, as appropriate, convene or recommend that the Director or the Secretary of Commerce convene meetings of the responsible officials of such departments and agencies, both in Washington and the field.

.02 Take lead responsibility for developing, with the participation of the Administrative Division, and with other Federal departments and agencies as appropriate, comprehensive plans and specific program goals for the minority enterprise program; establish continuing performance monitoring and reporting systems to assure that goals are being achieved; and evaluate the impact of Federal support in achieving the objectives of the minority business enterprise program.

.03 Consistent with OMBE policies on education, training and technical assistance, establish and maintain arrangements for reviewing all proposed education, training, and technical assistance activities of other Federal departments and agencies in direct support of the minority business enterprise program.

.04 Identify other Federal or other Government programs and capabilities that may be of assistance to minority business enterpise and assist in the development and maintenance of appropriate mechanisms through which present or potential minority entrepreneurs are advised of such programs and capabilities.

.05 Confer with, advise and develop working relationships with officials of State and local governments.

.06 Where such organizations do not exist, encourage the formation of "State OMBE's" and other non-Federal governmental organizations that will assist in furthering the minority business enterprise program.

.07 Develop a program of financial assistance to selected State and local governments so that they may render technical and management assistance to minority business enterprises, and, as appropriate, develop specific projects thereunder in accordance with OMBE policy and for the Director's approval.

.08 Participate in developing and monitoring pilot and demonstration projects conducted by other public agencies or organizations which are designed to overcome the special problems of minority business enterprise or otherwise further the purposes of the minority business enterprise program.

SEC. 8. *Private Programs Division.* The Private Programs Divisions shall promote the mobilization of activities and resources of private organizations, except those sponsored by the minority community, towards the growth of minority business enterprises. Such organizations shall include business and trade associations, universities, foundations, professional organizations and volunteer and other groups. Specifically, the Division shall:

.01 Identify and develop working relationships with major private organizations which are national in scope and which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprise.

.02 Convene, or recommend that the Director convene, business leaders, educators, and other representatives of the private sector who are engaged in assisting the development of minority business enterprise or who could contribute to its development, for the purpose of proposing, evaluating and coordinating selected governmental and private activities in furtherance of the objectives of the minority business enterprise program.

.03 Develop and recommend OMBE-wide policies on education, training and technical assistance, including policies for Federal training and technical assistance activities, in direct support of the minority business enterprise program.

.04 Develop a program of financial assistance to selected private organizations so that they may render technical and management assistance to minority business enterprises, and, as appropriate, develop specific projects thereunder in accordance with OMBE policy and for the Director's approval.

.05 Participate in developing and monitoring pilot or demonstration projects conducted by private agencies or organizations which are designed to overcome the special problems of minority business enterprise or otherwise further the purposes of the minority business enterprise program.

SEC. 9. *Contract and Grant Compliance Division.* The Contract and Grant Compliance Division shall coordinate the direction of all OMBE grant and contract responsibilities authorized by law; analyze the availability of Federal Technical assistance and recommend adjustments in OMBE awards of such assistance with a view to offsetting imbalances, if any, in such availability; and exercise the administrative functions for the OMBE contracts and grants program. Specifically it shall:

.01 Organize and conduct technical assistance availability studies and act on the findings of the studies by developing proposals for consideration of the Director.

.02 Review all financial assistance proposals and comment on their regional and national effect to OMBE officials; develop and maintain a processing system for financial assistance proposals within OMBE to include a final review of such proposals prior to their consideration by the Director; and provide a continuous overall monitoring of OMBE contracts and grants, to include receiving and maintaining records of all reports, financial statements and other documents required.

SEC. 10. *Field Operations Division.* The Field Operations Division shall promote the mobilization of activities and resources of organizations sponsored by the minority community towards the growth of minority business enterprises. Specifically, it shall:

.01 Be the primary point of contact for minority organizations designed to promote minority business enterprise.

.02 Encourage the formation of local organizations in selected urban and nonurban areas to assist present or potential minority entrepreneurs to establish, improve or expand their operations.

.03 Assist the Director in discharging his responsibilities involving the Advisory Council for Minority Enterprise, including the provision of administrative support to the Council.

.04 Develop a program of financial assistance to selected community organizations so that they may render technical and management assistance to minority business enterprises, and, as appropriate, develop specific projects thereunder in accordance with OMBE policy and for the Director's approval.

.05 Participate in developing and monitoring pilot or demonstration projects conducted by community agencies or organizations which are designed to overcome the special problems of minority business enterprise or otherwise further the purposes of the minority business enterprise program.

.06 Maintain an Indian Desk responsible for coordinating all OMBE programs and activities related to Indians except experiment and demonstration projects.

.07 Direct and maintain a system of field offices to represent OMBE in local communities and, in communities without such offices, arrange for appropriate OMBE representation through Business Services Field Offices of the Domestic and International Business Administration.

SEC. 11. *Field Offices.* The principal field structure of OMBE shall consist of field offices ("OMBE Field Offices") in

centers of minority population where OMBE has, or plans to have, a local program. These offices shall serve as OMBE's principal representative and point-of-contact in the local area. Each shall be headed by a Senior OMBE Field Representative who shall report and be responsible to the head of the Field Operations Division. Specifically, each office shall:

.01 Assess and report on community potential for promoting minority business enterprise, with particular reference to the need for OMBE and other Federal assistance to help realize that potential.

.02 Encourage and facilitate local non-Federal efforts to mobilize resources and otherwise promote minority business enterprise, and, as appropriate, seek to coordinate those efforts with Federal or federally assisted efforts.

.03 Encourage and facilitate the development and maintenance of community arrangements designed to advise present and potential minority entrepreneurs of government, private, and community programs and capabilities which may assist such entrepreneurs.

.04 Monitor all OMBE projects (except pilot and demonstration projects) in its local area, report regularly on the status of such projects and initiate or recommend, as appropriate, such action as may be required for those projects to achieve their objectives.

.05 Recommend necessary or desirable changes in other Federal and federally assisted programs affecting minority business enterprise in its area.

.06 Encourage and facilitate the exchange of program information between local Federal officials, and otherwise facilitate the coordination of Federal or federally assisted programs affecting minority business enterprise in its area.

Effective date: December 5, 1972.

GUY W. CHAMBERLAIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.72-21625 Filed 12-14-72;8:50 am]

[Dept. Organization Order 25-1]

U.S. TRAVEL SERVICE

Organization and Functions

This order, effective December 1, 1972, supersedes the material appearing at 37 F.R. 5402 of March 15, 1972.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the U.S. Travel Service (USTS). The scope of authority and functions of USTS is set forth in Department Organization Order 10-7. This revision installs changes in organization and assignment of functions necessary to the more effective accomplishment of the USTS mission.

SEC. 2. *Organization structure.* The principal organization structure and line of authority shall be as depicted in the attached organization chart. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

SEC. 3. *Office of the Assistant Secretary.* .01 The Assistant Secretary for Tourism determines policy, directs the programs and is responsible for all activities of the USTS. He establishes and maintains relations with Government and industry officials at all levels to facilitate tourism plans and programs.

.02 The Deputy Assistant Secretary shall serve as principal adviser and assistant to the Assistant Secretary and shall perform the duties of the Assistant Secretary in the latter's absence. The Deputy Assistant Secretary shall have primary responsibility for review and approval of basic marketing and operating plans, and shall measure and evaluate program results in relation to plans.

SEC. 4. *Office of the Executive Director.* .01 The Executive Director shall direct the operations and coordinate programs and activities; develop the basic marketing plan and supervise development of the operating programs; accomplish performance evaluations of all Divisions and Offices; and assure implementation of the decisions, directions and requests of the Assistant Secretary relative to policies, plans and operations of the Service.

.02 The Management Operations Committee is an internal USTS body composed of the Executive Director and the Office and Division Directors. It shall meet regularly with the Assistant Secretary to assist in formulation of operating policies; participate in basic program planning; and act as a medium for coordination and communication among the Offices and Divisions.

SEC. 5. *Staff offices.* .01 The Office of Administration shall arrange for and facilitate the provision of administrative services from the Office of the Secretary as needed by headquarters USTS; develop and maintain the internal administrative management system of the Service; manage the performance measurement system; perform budget formulation and management functions; perform evaluative, analytic, and developmental work to assist the Assistant Secretary in assuring that the best management practices are utilized in the headquarters and in the eld; perform specific administrative tasks as directed by the Assistant Secretary; and exercise administrative management functions for the matching grant program under the Visitor Services Office.

0.2 The Office of Research and Analysis shall assist in planning tourism marketing and development programs and servicing private business with travel data useful in marketing international travel; study the patterns of international travel and the economic effects of tourism; develop statistical data to measure and project foreign tourism in the States and political subdivisions of the United States; conduct and interpret market research to measure results of the marketing program; evaluate the effect of legislation and regulatory decisions on international travel; prepare and coordinate position papers for intergovernmental and international travel meetings; develop measures for evaluating programs of the Service; and administer special research projects performed by contractors throughout the world.

.03 The Office of Information Services shall plan and conduct a worldwide USTS information program; coordinate information activities within the organization and maintain close contact with communications media; advise the Assistant Secretary and other USTS officials on all news media, motion pictures, public communications techniques, and information policies; operate the USTS speakers bureau and coordinate speaking assignments; prepare and coordinate all speeches for the Assistant Secretary's office; develop a full range of news media material and publications about travel in the United States for response to inquiries from the general public, visitors, editors and radio, television and film producers, to support the information programs of the USTS offices abroad; develop journalist familiarization tour plans; and provide escort services for journalist familiarization tours.

.04 The Office of Market Development shall develop a continual flow of creative marketing programs to cultivate markets with the greatest potential for travel; develop specific marketing operating plans for implementation by the Divisions and Offices; analyze the U.S. "product" and match it to the needs of each market; assess the competitive environment to develop useful techniques; develop merchandising programs; carry out action programs to stimulate development of specific travel packages by the travel trade; develop agent familiarization tour plans; and provide for escort services for agent familiarization tours.

.05 The Office of Advertising and Promotion shall develop and implement consumer and trade advertising and promotional projects; implement specific advertisements and promotion efforts for each element of the overall USTS program; develop advertising and promotion plans from input information from the field Offices; act as liaison on all advertising agency, sales promotion, literature, and audiovisual contracts let by USTS; develop and operate special exhibits; provide pictorial reproduction material to the travel trade and communications media; and arrange for distribution of publications, State and city materials, guides for visitors, and audiovisual presentations.

SEC. 6. *International Division.* The International Division, headed by a Managing Director, shall direct the Field Offices toward achievement of USTS goals; continuously monitor field office operations; and supervise development of marketing plans for national markets. The Division shall review specific operating plans of each field office to test the adequacy of sales programs, promotional activities, travel trade relations, staffing plans, and effectiveness of operations;

serve as a channel through which market development, advertising and promotion and publicity planning actions flow to the field offices; serve as the contact for international field operations for the USTS staff offices; and assist the Executive Director in the development and implementation of overall marketing plans.

SEC. 7. *Field organization.* The field offices, each headed by a Director who reports to the Managing Director of the International Division, shall develop and implement operating and marketing plans for promotion of travel to the United States within their assigned countries; install a travel merchandising program; distribute published information and promotional material to the travel trade; develop contacts with communications media for promotional purposes; coordinate choice of representatives for familiarization tours; coordinate local advertising displays; and serve as a reception agency for representatives of the United States visiting the country to promote travel. The field offices are located abroad in prime markets for travel to the United States.

SEC. 8 *Domestic Division.* The Domestic Division shall direct the Travel Trade, Business and Convention Travel Office and the Visitor Services Office (paragraphs .01 and .02 of this section). The Division shall develop and maintain relationships with U.S. industry and Government representatives who can help achieve the success of tourism programs; participate in the development of marketing program plans; review and approve the budgets and activities of its subordinate offices; apply creative approaches to find, evaluate and develop a more appealing U.S. travel product; and coordinate implementation of marketing plans, advertising, promotion and publicity plans in the subordinate offices.

.01 The Visitor Services Office shall develop programs to assure a friendly welcome in the United States for international visitors and to improve the Nation's host services; develop published informational materials to aid travelers; promote development of improved visitor services by the domestic travel industry; conduct programs for familiarization tours of the United States by journalists, tour operators, and travel agents; develop programs to enlist maximum cooperation of city and State organizations in promoting tourism and travel; stimulate awareness of and interest in foreign visitors among the general public of the United States; and manage a matching grants program to promote and facilitate travel to selected areas of the United States.

.02 The Travel Trade, Business, and Convention Travel Office shall develop and implement programs for (a) encouraging international congresses, organizations, and associations to hold their meetings and conventions in the United States; (b) increasing attendance from abroad at U.S. conventions, trade fairs, and exhibitions; and (c) promoting other business travel to the United States. The Office shall develop programs to gain support of objectives by the U.S. travel trade through improved lodging, ground transportation, attractions, industry organizations, and services to foreign visitors.

Effective date: December 1, 1972.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.72-21624 Filed 12-14-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

FEDERAL ALLOTMENT TO STATES FOR SOCIAL SERVICES EXPENDITURES

Promulgation for Fiscal Years 1973 and 1974

Promulgation of Federal allotment for purposes of grants to States under titles I, X, XIV, and XVI, and part A of title IV of the Social Security Act, in accordance with section 1130(a) of such Act, 42 U.S.C. 1320b(a) (as added by section 301(a) of Public Law 92-512, 86 Stat. 945), which provides for limitation on grants under such titles for certain social services expenditures under public assistance programs made after June 30, 1972.

Pursuant to section 1130(b) of the Social Security Act (42 U.S.C. 1320b(b)), which provides that the Federal allotment shall be determined and promulgated in accordance with said section, and it having been determined that the Bureau of the Census population statistics contained in its publication "Current Population Reports" (series P-25, No. 488, September 1972) are the most recent satisfactory data available from the Department of Commerce at this time as to the population of each State and of all of the States, it is hereby promulgated, for purposes of grants for social services under public assistance programs, that the Federal allotment to each of the 50 States and the District of Columbia for each of the fiscal years ending June 30, 1973, and June 30, 1974, as determined pursuant to such Acts and on the basis of said population data, shall be as set forth below:

FEDERAL ALLOTMENT FOR FISCAL YEARS 1973 AND 1974

Total	$2,500,000,000
Alabama	42,140,000
Alaska	3,901,750
Arizona	23,351,250
Arkansas	23,747,250
California	245,733,250
Colorado	28,297,500
Connecticut	37,001,750
Delaware	6,783,250
District of Columbia	8,980,250
Florida	87,149,500
Georgia	56,667,000
Hawaii	9,712,500
Idaho	135,076,500
Illinois	63,522,250
Iowa	$34,612,500
Kansas	27,109,000
Kentucky	39,607,000
Louisiana	44,661,250
Maine	13,354,000
Maryland	48,695,250
Massachusetts	69,477,000
Michigan	109,036,000
Minnesota	46,774,250
Mississippi	27,169,000
Missouri	57,063,250
Montana	8,632,000
Nebraska	18,308,750
Nevada	6,327,000
New Hampshire	9,256,500
New Jersey	88,446,250
New Mexico	12,786,000
New York	220,497,250
North Carolina	62,597,750
North Dakota	7,597,500
Ohio	129,457,750
Oklahoma	31,623,000
Oregon	26,196,500
Pennsylvania	143,180,250
Rhode Island	11,631,500
South Carolina	31,995,250
South Dakota	8,152,000
Tennessee	48,395,000
Texas	139,854,750
Utah	13,518,500
Vermont	5,546,750
Virginia	57,195,250
Washington	41,335,750
West Virginia	21,382,250
Wisconsin	54,265,750
Wyoming	4,142,000

NOTE: With respect to fiscal year 1973 only, each allotment set forth above will be adjusted as provided in section 403 of Public Law 92-603, 86 Stat. 1487, so that the State, for the first quarter of Fiscal Year 1973, will receive Federal grants in amounts determined under applicable provisions of the Social Security Act (without regard to section 1130 thereof), but not to exceed $50,000,000. In no case will a State receive less than the allotment set forth above.

Dated: December 8, 1972.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

[FR Doc.72-21598 Filed 12-14-72;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 40-8084]

RIO ALGOM CORP.

Notice of Availability of Draft Statement of Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission (the Commission) in 10 CFR Part 50, Appendix D, notice is hereby given that a draft detailed statement on the environmental considerations related to the proposed issuance of a license for the Humeca Uranium Mill located in San Juan County, Utah, has been prepared and has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the San Juan

County Library, Monticello, Utah. The draft detailed statement is also being made available to the public at the Utah State Clearinghouse, Utah State Planning Coordinator, State Capitol Building, Salt Lake City, Utah.

A notice was published in the FEDERAL REGISTER on November 5, 1971 (36 F.R. 21299), concerning the availability of Rio Algom Corp.'s environmental report for public inspection at the above-designated locations. Notice of availability of the supplemental report was published in the FEDERAL REGISTER, March 11, 1972 (37 F.R. 5266). Additional supplemental information was submitted by letter dated April 4, 1972. These reports have been analyzed by the Commission's Directorate of Licensing in the preparation of the draft detailed statement.

Copies of the Commission's draft detailed statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Pursuant to Appendix D to 10 CFR Part 50, interested persons may, within forty-five (45) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the draft detailed statement for the Commission's consideration. Federal agencies and State and local officials are being provided with copies of the draft detailed statement. Such comments as may be received from Federal agencies and State and local officials will be made available for public inspection at the above designated locations. Members of the public should address comments on the draft detailed statement to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Dated at Bethesda, Md., this 8th day of December, 1972.

For the Atomic Energy Commission.

LELAND C. ROUSE,
Chief, Technical Support Branch, Directorate of Licensing.

[FR Doc.72-21468 Filed 12-14-72;8:51 am]

[Docket No. 70-1319]

U.S. NUCLEAR, INC.

Notice of Availability of Draft Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission (the Commission) in 10 CFR Part 50, Appendix D, notice is hereby given that a draft detailed statement on the environmental considerations related to the proposed issuance of a license for U.S. Nuclear's Test and Research Reactor Fuel Element Fabrication Plant located in Oak Ridge, Tenn., has been prepared and has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Oak Ridge Public Library, Oak Ridge, Tenn. The draft detailed statement is also being made available to the public at the Tennessee State Clearinghouse, Office of Urban and Federal Affairs, 321 Seventh Avenue, North Nashville, TN, and the Regional Clearinghouse, East Tennessee Development District, 1810 Lake Avenue, Knoxville, TN.

A notice was published in the FEDERAL REGISTER on July 21, 1972 (37 F.R. 14635), concerning the availability of U.S. Nuclear's environmental report and supplement thereto for public inspection at the above designated locations. These reports have been analyzed by the Commission's Directorate of Licensing in the preparation of the draft detailed statement.

Copies of the Commission's draft detailed statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Pursuant to Appendix D to 10 CFR Part 50, interested persons may, within forty-five (45) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the draft detailed statement for the Commission's consideration. Federal agencies and State and local officials are being provided with copies of the draft detailed statement. Such comments as may be received from Federal agencies and State and local officials will be made available for public inspection at the above designated locations. Members of the public should address comments on the draft detailed statement to the U.S. Atomic Energy Commission, Washington, DC. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Dated at Bethesda, Md., this 8th day of December 1972.

For the Atomic Energy Commission.

LELAND C. ROUSE,
Chief, Technical Support Branch, Directorate of Licensing.

[FR Doc.72-21469 Filed 12-14-72;8:51 am]

[Docket No. 50-59]

TEXAS A. & M. UNIVERSITY

Notice of Proposed Issuance of Amendment to Facility License

The Atomic Energy Commission (the Commission) is considering the issuance of Amendment No. 10 to Facility License No. R-23 to the Texas A. & M. University at College Station, Tex. The license presently authorizes the university to possess, use, and operate its Model AGN-201, Serial No. 106, nuclear training reactor (located on its campus) at power levels up to 100 milliwatts (thermal). The proposed amendment would authorize operation of the reactor at increased power levels up to 5 watts (thermal) following completion of the modifications described in the application for the license amendment dated September 27, 1972, and would redesignate the reactor as a Model AGN-201M.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter I. The amendment will be issued after the Commission makes the remainder of the findings relating to its review of the application which are set forth in the proposed amendment and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 30 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed amendment, see (1) the application for license amendment dated September 27, 1972, (2) the proposed amendment and proposed Changes to the Technical Specifications to the facility license, and (3) Safety Evaluation by the Commission's Regulatory Staff, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of each of items (2) and (3) above may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects.

Dated at Bethesda, Md., this 13th day of December 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.72-21633 Filed 12-14-72;10:34 am]

FEDERAL MARITIME COMMISSION

[Docket No. 72-24; Agreement T-2598]

CANAVERAL PORT AUTHORITY AND ELLER AND CO.

First Supplemental Order

On June 16, 1972, the Commission issued an order of investigation in the captioned proceeding to determine inter alia whether the Canaveral Port Authority (CPA) and Eller & Co. (Eller) had entered into and/or implemented an agreement or agreements, understandings, and/or arrangements without filing the same for approval by this Commission;

whether the agreement they filed, Agreement No. T–2598, is a true and complete copy of the understandings or arrangements between the CPA and Eller; and whether Agreement No. T–2598 should be approved, disapproved, modified, or exempt pursuant to sections 15 and 35 of the Shipping Act, 1916 (Act).

A hearing was held in Washington, D.C. on October 31, 1972, and November 1–2, 1972. A continued hearing is scheduled to begin in Port Canaveral, Fla., on December 12, 1972.

On December 4, 1972, a modification of Agreement T–2598, designated Agreement No. T–2598–1, was filed with the Commission. It appearing that this modification is in the nature of a clarification, which amends the entire first paragraph of the original agreement, and is, by its express terms, "an integral part of" the original agreement;

Now therefore it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the investigation be and is hereby expanded to determine whether Agreement T–2598, as amended by Agreement T–2598–1, is a true and complete copy of the understandings or arrangements between the parties.

It is further ordered, That reference made to "Agreement T–2598" or "Agreement" in the original order henceforth shall mean Agreement T–2598 as amended by Agreement T–2598–1;

It is further ordered, That except as modified herein, the Order of June 16, 1972, shall remain in effect in all respects;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents and petitioners;

It is further ordered, That any additional person, other than respondents, petitioners, and the Commission's Bureau of Hearing counsel, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copies to all parties;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceedings, shall be mailed directly to all parties of record.

By this Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–21604 Filed 12–14–72;8:49 am]

[Independent Ocean Freight Forwarder License 715]

INTRA-MAR SHIPPING CORP.

Order of Revocation

By letter dated November 1, 1972, Intra-Mar Shipping Corp., 335 Valencia Street, San Francisco, CA 94103 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 715 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 30, 1972.

Section 44(c), Shipping Act of 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Intra-Mar Shipping Corp. has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5/1/72);

It is ordered, That the Independent Ocean Freight Forwarder License of Intra-Mar Shipping Corp. be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Intra-Mar Shipping Corp. be and is hereby revoked effective November 30, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Intra-Mar Shipping Corp.

AARON W. REESE,
Managing Director.

[FR Doc.72–21605 Filed 12–14–72;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23333; Order 72–12–23]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Issued under delegated authority December 7, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement, which expires September 30, 1973, would amend an existing IATA resolution governing use of unit load devices by decreasing the length dimension of the ATA Type "D" (formerly IATA standard size 9) quarter size pallet container from 42 inches to 41 inches to enable the accommodation of this unit on the continuous seat track pallet. The amendment recognizes the commercial desirability of permitting those units used domestically in the United States to continue to attract discounts when used internationally and thus allows for a 1 inch variation in length so as to retain compatibility with the ATA domestic container program until the ATA can phase out their existing dimensioned containers.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolution, incorporated in Agreement CAB 23411, is adverse to the public interest or in violation of the Act:

CAB Agreement:	*IATA Resolution*
23411 ----------	100 (Mail 914) 521. 200 (Mail 166) 521. 300 (Mail 393) 521. JT12 (Mail 800) 521. JT23 (Mail 310) 521. JT31 (Mail 230) 521. JT123 (Mail 704) 521.

Accordingly, it is ordered, That:

Agreement CAB 23411, be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–21627 Filed 12–14–72;8:51 am]

[Docket No. 23333; Order 72–12–25]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, December 7, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated November 29, 1972, names an additional specific commodity rate, as set forth below, which reflects a reduction from the otherwise applicable general cargo rates.

Specific commodity Item No.	*Description and rates*
9512----------	Handicrafts, 163 cents per kg., minimum weight 100 kgs. From Lomo to NYC/Montreal.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the

subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 23418 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications: *Provided further,* That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-21628 Filed 12-14-72;8:51 am]

[Docket No. 24686, etc.; Order 72-12-34]

STANDARD AIRWAYS, INC., ET AL.

Order for Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of December 1972.

Standard Airways, Inc., Mark Aero, Inc., Charlotte Aircraft Corp., et al., acquisition of control and interlocking relationships, Docket 24686; Standard Airways, Inc., certificates of public convenience and necessity for supplemental air transportation, Docket 21355, et al.

By application filed on August 18, 1972, as amended on October 3, 1972, pursuant to sections 408 and 409 of the Act, Standard Airways, Inc. (Standard), Mark Aero, Inc. (Mark Aero), Charlotte Aircraft Corp. (Charlotte), Joseph E. Morris (Morris), William E. Buckley, James R. Becker, and Harold J. Caldwell (Caldwell), request (1) approval of the acquisition of control of Standard by Mark Aero, and through Mark Aero by Morris, and by Charlotte, and through Charlotte by Caldwell, and (2) approval of the various interlocking relationships arising from the foregoing transaction. The applicants alternatively request disclaimer of jurisdiction over the proposed control relationships of Charlotte and Caldwell to Standard.[1]

The proposal contemplates that Mark Aero, solely owned by Morris, will acquire 83.9 percent of Standard's common voting stock. Mark Aero is an air taxi operator providing demand air taxi service and a fixed-base operator whose principal offices and operating base are located in St. Louis, Mo. Charlotte, whose principal shareholder is Caldwell, will acquire the remaining 16.1 percent of Standard's voting stock. Charlotte, a North Carolina corporation, engages in various phases of aeronautics.

By Order 72-8-108, dated August 25, 1972, the Board dismissed for failure to prosecute, the joint application of Modern Air Transport, Inc. and Standard's Trustee in Bankruptcy for approval of the transfer of Standard's certificates to Modern, and deferred action in Docket 21355—involving a Board-instituted investigation to determine whether the certificates held by Standard should be suspended, modified, or revoked for failure to comply with the continuing fitness requirements of section 401(n) of the Act—pending the outcome of further reorganization efforts.

Upon consideration of the foregoing, we have decided to set for hearing the joint application in Docket 24686 and to consolidate therewith the section 401(n) investigation in Docket 21355. Consolidation will permit simultaneous consideration of the related issues of whether the acquisition of control of Standard should be approved and whether further action should be taken with respect to Standard's certificates in the 401(n) proceeding.[2] We have decided not to disclaim jurisdiction of the proposed acquisition of Standard's stock by Charlotte and Caldwell at this time. The applicants will be free, however, to demonstrate on the record that Charlotte and/or Caldwell will not possess a controlling relationship through the proposed stock acquisition.

Accordingly, it is ordered, That:

1. The application for approval of the acquisition of control of Standard Airways, Inc. and for approval of interlocking relationships in Docket 24686, be and it hereby is set for hearing before an Administrative Law Judge of the Board at a time and place to be hereafter designated;

2. The investigation instituted in Docket 21355 to consider whether Standard Airways, Inc.'s certificates of public convenience and necessity should be modified, suspended, or revoked for failure to comply with section 401(n) of the Act, be and it hereby is consolidated for simultaneous consideration with the application in Docket 24686.

3. The deferral of further proceedings in Docket 21355, as ordered by Order 72-8-108, dated August 25, 1972, be and it hereby is terminated; and

4. A copy of this order shall be served upon each certificated supplemental air carrier, Hugh B. Mitchell, Trustee of Standard Airways, Inc., all parties to Docket 21355, and upon Mark Aero, Joseph E. Morris, William E. Buckley, James R. Becker, Charlotte Aircraft Corp., and Harold J. Caldwell.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-21629 Filed 12-14-72;8:51 am]

[1] In support of the request for a disclaimer the applicants assert that if the proposed acquisition is approved, Mark Aero will own 83.9 percent of the voting stock which will constitute "actual unequivocal working control of Standard."

[2] Toward this end, we are hereby terminating the deferral of further proceedings in Docket 21355, as ordered by Order 72-8-108, dated August 25, 1972. The section 401(n) issues will include, but will not be limited to, the lifting of the suspension of Standard's certificates, in the event the proposed acquisition is approved. Thus, the consolidated proceeding will include the issue of whether Standard's certificates should be modified, suspended, or revoked, in the event the acquisition is disapproved.

FEDERAL POWER COMMISSION

[Dockets Nos. RI73-131, etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund[1]

DECEMBER 8, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI73-131	Shell Oil Co	249	12	El Paso Natural Gas Co. (Brown-Bassett Field, Terrell County, Tex.) (Permian Basin).	$12,007	11- 9-72		1-10-73	[1] 14.3175	[1] 15.3213	RI71-375.
	Do	327	4	El Paso Natural Gas Co. (West Waha Field, Reeves County, Tex.) (Permian Basin).	74,795	11- 9-72		1-10-73	17.5656	18.5691	RI71-259.
	Do	344	4	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex.) (Permian Basin).	25,146	11- 9-72		6- 1-73	[1] 21.7662	22.6125	RI69-749.
	Do	347	4	El Paso Natural Gas Co. (Hamon Field, Reeves County, Tex.) (Permian Basin).	4,255	11- 9-72		1-10-73	[1] 16.2352	18.5691	RI71-297.
RI73-132	Texaco Inc	379	5	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (Permian Basin).	47,675	11-15-72		1-16-73	17.5656	18.5693	RI69-111.
RI73-133	Warren Petroleum Co	60	5	El Paso Natural Gas Co. (Eunice Gas Processing Plant, Lea County, N. Mex., Permian Basin).	9,870	11-13-72		6- 1-73	[1] 31.170	[1] 32.209	RI73-195.
RI73-134	Gulf Oil Corp	138	[2][3] 8	West Texas Gathering Co. (Emperor Devonian, Emperor Ellenburger, Emperor Fusselman, Emperor Wolfcamp and Kermit South Devonian Fields, Winkler County, Tex., Permian Basin).		11-13-72	12-14-72	(9)			
	Do	[4] 9			58,680	11-13-72		1-14-73	18.0675	21.0	RI69-320.
RI73-135	Getty Oil Co	79	7	West Texas Gathering Co. (Emperor (Ellenburger) Winkler County, Tex., Permian Basin).	8,315	11-10-72		1-18-73	18.0675	19.0713	RI70-89.
RI73-136	Cities Service Oil Co	218	4	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex., Permian Basin).	30,532	11-14-72		6- 1-73	20.6625	22.6125	RI72-140.
	Do	124	11	West Texas Gathering Co. (Cowan "S" Gas Unit, Winkler County, Tex.) (Permian Basin).	5,061	11-14-72		1-15-73	18.0675	19.0713	RI72-140.
	Do	384	2	Transwestern Pipeline Co. (Smith-Federal Gas Com. No. 1 Well, Eddy County, N. Mex.) (Permian Basin).	1,560	11-14-72		6- 1-73	[1] 30.43	[1] 30.87	RI72-262.
	Do	304	3	Transwestern Pipeline Co. (Monsanto-Rock Tank Unit and Booth "BO" Federal Well No. 1, Eddy County, N. Mex., Permian Basin).	3,636	11-14-72		1-15-73	16.43	17.50	
	Do	341	3	El Paso Natural Gas Co. (Citgo-University, Terrell County, Tex.) (Permian Basin).	102	11-14-72		6- 1-73	26.5	27.2	RI71-985.
	Do	335	3	El Paso Natural Gas Co. (Toro (Ellenburger) Field Reeves County, Tex.) (Permian Basin).	307	11-14-72		6- 1-73	26.5	27.2	RI71-1147.
RI73-137	Suburban Propane Gas Corp.	23	1	Northern Natural Gas Co. (Ozona Field, Crockett County, Tex.) (Permian Area).	5,951	11-20-72		5-21-73	[4] 27.0	[4] 30.0	
RI73-138	Ashland Oil, Inc	200	1	Western Transmission Corp. (Browning Area, Carbon County, Wyoming Unita-Green River Basin Area).		11-16-72	12-17-72	(9)			
	Do	[2]	2		7,630	11-16-72		5-17-73	15.0	[4] 23.75	
RI73-139	Sun Oil Co	214	2	Mountain Fuel Supply Co. (North Craig Field, Moffat County, Colo.).	8,900	11-15-72		1-16-73	[8][7] 15.0	[7] 16.0	
RI73-140	Petroleum, Inc	49	1	Colorado Interstate Gas Co. (Vilas Field, Baca County, Colo.).	1,049	11-17-72		1-18-73	[4] 14.60	[4] 15.60	
RI73-141	Atlantic Richfield Co	649	1	Natural Gas Pipeline Co. of America (Evetts Field, Winkler and Loving Counties, Tex.) (Permian Basin).	2,400	11-20-72		7- 1-73	27.0	27.4	
RI73-142	Amerada Hess Corp	67	8	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).	8,535	11-20-72		1-21-73	18.0675	19.0713	RI69-209.

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Includes quality adjustments.
[2] Not applicable to production under supp. No. 6.
[3] Contract amendment.
[4] Subject to Btu adjustment.
[5] Contract dated 9-1-72.
[6] Subject to 1-cent deduction by buyer as seller's share of construction cost of pipeline needed to received seller's gas.
[7] The pressure base is 15.025 p.s.i.a.
[8] Accepted for filing to be effective on the date shown in the "Effective Date" column.

The proposed increases of Shell Oil Co. under its FPC Gas Rate Schedule No. 344, Warren Petroleum Co. under its FPC Gas Rate Schedule No. 60, Cities Service Oil Co. under its FPC Gas Rate Schedule Nos. 218, 384, 341, 335, Suburban Propane Gas Corp. under its FPC Gas Rate Schedule No. 23, Ashland Oil, Inc. under its FPC Gas Rate Schedule No. 200, and Atlantic Richfield Co. under its FPC Gas Rate Schedule No. 649 exceed the rate limit for a 1-day suspension and, therefore, are suspended for 5 months from the expiration of the statutory notice period or the contractual effective date, whichever is later.

The other proposed increases involved here do not exceed the corresponding rate filing limitation imposed in Southern Louisiana and therefore are suspended for one day from the expiration of the 60-day notice period or the contractual effective date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission rules and regulations, 6 CFR 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than

company basis. This practice was established by Area Rate Proceeding, Docket No. AR61–1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act [15 U.S.C. 717c(d)] in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinion Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-21540 Filed 12-14-72;8:45 am]

[Project 516—South Carolina]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Availability of Draft Environmental Statement for Inspection

DECEMBER 12, 1972.

Notice is hereby given that on December 11, 1972, as required by the Commission's rules and regulations under Order 415, as amended, a staff draft environmental statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91–190) was placed in the public files of the Federal Power Commission. This statement deals with an application filed by the South Carolina Electric & Gas Co., Licenses for the Saluda Project No. 516, for approval of easements on project lands in Lexington County, S.C. This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC and its Atlanta Regional Office. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

Approval of the easements is for the proposed construction on project lands of nonproject facilities comprising causeways, a bridge, and a pipe for the discharge of treated domestic waste effluent to be constructed as part of the planned community development known as Watergate.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard. Written statements by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from December 11, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-21559 Filed 12-14-72;8:45 am]

PRICE COMMISSION

[Notice 41]

REPORTING FORMS

Holding by Preparing Firms in Lieu of Filing With the Price Commission

Instructions on Price Commission Forms PC–50, "Base Period Income Statement" and PC–51, a quarterly "Report on Sales, Costs and Profits" require certain firms to prepare and submit those forms for their reporting entities to the Commission. The basic purpose of the reports is to assist the Commission in determining the extent to which firms are complying with the requirements of the price stabilization program.

Based on its experience with these two forms and the information it has derived from them during the past year, the Commission is presently considering a number of changes to the forms and the related reporting procedures. Although the Commission has not completed its consideration of all of the possible changes, it is satisfied that it would not be detrimental to the overall program to allow firms preparing Forms PC–50 and PC–51 for their reporting entities to retain the completed forms rather than actually filing them with the Price Commission in Washington.

Therefore, effective immediately, any firm required to prepare a Form PC–50 or PC–51 for a reporting entity shall not file the completed form with the Price Commission. Instead, the firm shall prepare the form and retain it at the firm's executive office where it shall be made available for inspection at any time upon request of an officer of the Price Commission or the Internal Revenue Service. The Commission considers that these completed forms are records subject to § 300.501 of the Commission's regulations and that they will be subject to inspection, at any time, pursuant to paragraph (b) of that section. To the extent they are inconsistent with this notice, the filing instructions printed on Forms PC–50 and PC–51 are hereby superseded.

This notice does not change the requirement that Forms PC–50 and PC–51 covering parent firms are to be filed with the Price Commission.

Issued in Washington, D.C., on December 12, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

[FR Doc.72-21693 Filed 12-14-72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[70–5278]

PENNSYLVANIA ELECTRIC CO.

Proposed Issue and Sale of Short-Term Promissory Notes to Banks

DECEMBER 11, 1972.

Notice is hereby given that Pennsylvania Electric Co. (Penelec), 1001 Broad Street, Johnstown, PA 15907, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

Penelec requests that, for the period commencing on January 1, 1973, and ending December 31, 1973, the exemption from the provisions of section 6(a) of the Act afforded to it be the first sentence of section 6(b) thereof relating to the issue and sale of short-term notes be increased above the 5 percent limitation to permit Penelec to issue and sell to banks up to $50 million of short-term notes to be outstanding at any one time. As of September 30, 1972, such amount of short-term debt would have represented 6.55 percent of the principal amount and par value of the other securities of Penelec then outstanding. The filing states that Penelec had $13,100,000 principal amount of its short-term notes outstanding at the date of this application.

The new notes will bear interest at the prime rate in effect for commercial borrowings at the lending banks (presently 5¾ percent per annum), will mature not later than 9 months from the date of issue, and will be prepayable at any time without premium. Although no commitments or agreements for such borrowings have been made, if this application is granted by the Commission, Penelec expects that, as and to the extent that its cash needs require, borrowings will be effected from among a group of 52 banks, the names of which and the maximum amounts to be borrowed from each are listed in the filing. It is stated that Penelec is required to maintain compensating balances with each of the banks of

approximately 20 percent of the borrowings. Assuming a 5¾ percent prime rate and a 20 percent compensating balance, the effective interest cost for such loans would be 7.19 percent.

Penelec proposes to utilize the proceeds of the contemplated borrowings for the purpose of financing its business as a public-utility company, including provision for construction expenditures, repayment of other short-term borrowings, and the reimbursement of its treasury for construction expenditures temporarily provided therefrom.

The application states that Penelec's expenses incident to the proposed issuance of notes will be approximately $8,000, including legal fees of $5,500, and that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 28, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-21608 Filed 12-14-72;8:49 am]

[File Nos. 81-121-1, 1-5194]

MARATHON INTERNATIONAL FINANCE CO.

Application and Opportunity for Hearing

DECEMBER 8, 1972.

Notice is hereby given that Marathon International Finance Co., Findlay, Ohio 45848 (applicant) has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Act), for a finding that an exemption from the requirement to file reports pursuant to section 13(a) of the Act would not be inconsistent with the public interest or the protection of investors.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant's application states, in part:

1. The applicant, a Delaware corporation, is a wholly owned, consolidated subsidiary of Marathon Oil Co. (Marathon), existing for the principal purpose of obtaining and furnishing funds for the foreign operations of the subsidiaries of Marathon and other companies in which Marathon has or may acquire an interest.

2. In March 1966 applicant issued and sold $25 million, principal amount, of 4½ percent guaranteed sinking fund debentures due 1986 (Debentures). Such Debentures are, and since August 1, 1967 have been, convertible into common shares of Marathon.

3. The Debentures were and continue to be listed on the New York Stock Exchange, and such securities are registered with the Commission under section 12(b) of the Act. As a consequence of such registration, applicant is required to file periodic reports pursuant to section 13(a) of the Act.

4. As of May 15, 1972 Debentures aggregating, in principal amount, $20,282,000 (or over 80 percent) have been converted into 643,697 common shares of Marathon. The total principal amount of Debentures thus remaining unconverted as of May 15, 1972 was $4,718,000, held by a maximum of 4,718 Debentureholders.

5. The common shares of Marathon into which the Debentures are convertible are listed on the New York, Midwest and Pacific Coast Stock Exchanges and such securities are registered with the Commission under section 12(b) of the Act. As a consequence of such registration, Marathon is required to file periodic reports pursuant to section 13(a) of the Act.

6. Since 1969 there has been an almost total absence of trading activity in applicant's remaining unconverted Debentures on the New York Stock Exchange.

7. The Debenture trustee reports that as at June 5, 1972 none of the Debentureholders had filed his name and address with the trustee for the purpose of receiving summaries of reports filed by applicant with the Commission pursuant to section 13(a) of the Act or had sought to inspect any of the reports, all of which were filed with the trustee.

8. Accordingly, the applicant believes that in view of the facts that a trading market in its Debentures is unlikely to become sufficiently significant; that Debentureholders, if interested in any reports filed pursuant to section 13 of the Act, would be interested in those filed by Marathon and not those filed by applicant; and that the Debentureholders' disinterestedness with respect to reports filed by applicant constitutes clear and convincing evidence that such reports are irrelevant to such persons, that applicant should not continue to be subjected to the not insubstantial burden of complying with section 13(a) of the Act.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, DC.

Notice is further given that any interested person not later than December 28, 1972 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW, Washington, DC 20549 and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion. If prior to said date no submission from interested persons is received, the Commission may thereafter issue an order granting the application subject to the following conditions:

1. That applicant file with the Commission current reports on Form 8-K under the Securities Exchange Act of 1934 (Exchange Act) disclosing any material change in the legal rights of the holders of applicant's 4½ percent guaranteed sinking fund debentures due 1986 (Debentures) from those rights recited in the application presently on file with the Commission;

2. That applicant file with the Commission reports on Form 8-K under the Exchange Act disclosing any material change in the trading activity in the debentures from the activity recited in the Application presently on file with the Commission;

3. That the Indenture Trustee for the debentures may apply to the Commission at any time for reconsideration of the 12(h) exemption; and

4. That jurisdiction to reconsider the exemption be reserved to the Commission in the event of any material change in the facts recited in the application presently on file with the Commission or in

the event that changes take place in the Commission's rules and regulations relating to disclosures by companies subject to section 12(b) under the Exchange Act.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21610 Filed 12-14-72;8:49 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

DECEMBER 11, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 12, 1972, through December 21, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21612 Filed 12-14-72;8:49 am]

[70-5279]

METROPOLITAN EDISON CO.

Proposed Issue and Sale of Short-Term Notes to Banks

DECEMBER 11, 1972.

Notice is hereby given that Metropolitan Edison Co. (Met-Ed), 2800 Pottsville Pike, Muhlenberg Township, Berks County, PA 19605, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

Met-Ed requests that, for the period commencing on January 1, 1973, and ending December 31, 1973, the exemption from the provisions of section 6(a) of the Act afforded to it be the first sentence of section 6(b) thereof relating to the issue and sale of short-term notes be increased above the 5 percent limitation to permit Met-Ed to issue and sell to banks up to $65 million of short-term notes to be outstanding at any one time. As of September 30, 1972, such amount of short-term debt would have represented 10.4 percent of the principal amount and par value of the other securities of Met-Ed then outstanding. The filing states that Met-Ed anticipates having $11 million principal amount of its short-term notes outstanding at December 31, 1972.

The new notes will bear interest at the prime rate in effect for commercial borrowings at the lending banks (presently 5¾ percent per annum), will mature not later than 9 months from the date of issue, and will be prepayable at any time without premium. Although no commitments or agreements for such borrowings have been made, if this application is granted by the Commission, Met-Ed expects that, as and to the extent that its cash needs require, borrowings will be effected from among a group of 38 banks, the names of which and the maximum amounts to be borrowed from each are listed in the filing. It is stated that Met-Ed is required to maintain compensating balances with each of the banks of approximately 20 percent of the borrowings. Assuming a 5¾ percent prime rate and a 20 percent compensating balance, the effective interest cost for such loans would be 7.19 percent.

Met-Ed proposes to utilize the proceeds of the contemplated borrowings for the purpose of financing its business as a public-utility company, including provision for construction expenditures, repayment of other short-term borrowings, and the reimbursement of its treasury for construction expenditures temporarily provided therefrom.

The application states that Met-Ed's expenses incident to the proposed issuance of notes will be approximately $7,500, including legal fees of $5,000, and that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 28, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such Persons who request a hearing or advice other action as it may deem appropriate. as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21609 Filed 12-14-72;8:49 am]

[File No. 500-1]

MONARCH GENERAL, INC.

Order Suspending Trading

DECEMBER 11, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Monarch General, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 12, 1972 through December 21, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21611 Filed 12-14-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 137]

ASSIGNMENT OF HEARINGS

DECEMBER 12, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 111504 Sub 9, Starr Transit Co., Inc., now assigned January 15, 1973, at Philadelphia, Pa., is canceled and transferred to modified procedure.

MC 134082 Sub 6, K. H. Transport, Inc., now assigned January 16, 1973, at Washington, D.C., postponed to January 17, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 26396 Sub 51, Popelka Trucking Co., doing business as The Waggoners, now assigned January 17, 1973, at Billings, Mont., postponed indefinitely.

MC 115826 Sub 244, W. J. Digby, Inc., now assigned January 29, 1973, at Denver, Colo., is postponed indefinitely.

MC 109397 Sub 277, Tri-State Motor Transit Co., now assigned December 21, 1972, at Columbus, Ohio, is postponed indefinitely.

MC 113843 Sub 184, Refrigerated Food Express, Inc., now assigned January 17, 1973, at Boston, Mass., is postponed indefinitely.

MC 113843 Sub 185, Refrigerated Food Express, Inc., now assigned January 22, 1973, at Boston, Mass., is postponed indefinitely.

MC 99208 Sub 10, Skyline Transportation, Inc., now being assigned hearing January 29, 1973 (1 week), at Knoxville, Tenn., in a hearing room to be later designated.

MC-F-11394, Glosson Motor Lines, Inc.—Control—State Motor Lines, Inc., and MC 120820 Sub 2, State Motor Lines, Inc., now being assigned hearing February 5, 1973 (1 week), at Raleigh, N.C., in a hearing room to be later designated.

MC 2890 Sub 43, American Buslines, Inc., Extension-Sterling, Colo., now being assigned hearing February 6, 1973 (2 days), at Sidney, Nebr., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-21614 Filed 12-14-72;8:50 am]

[Ex Parte 281]

INCREASED FREIGHT RATES AND CHARGES, 1972

Bibliography Regarding Environmental Impact

DECEMBER 4, 1972.

This notice refers to this Commission's further evaluation of the environmental impact of the proposed increases in Ex Parte No. 281, Increased Freight Rates and Charges, 1972 (Environmental Matters), in railroad freight rates and charges on the movements of commodities being transported for the purposes of recycling as defined in this Commission's order of November 7, 1972.

In furtherance of this Commission's goal to comply with the requirements of the National Environmental Policy Act to the fullest extent, a preliminary in-depth study of the environmental issues involved in this proceeding has been made, and the appended bibliography[1] represents a compilation of the available material (which is in addition to that already of record in this proceeding) that may be considered in the preparation of a draft environmental impact statement in this matter. It is believed that such material will supplement the present record in this proceeding and provide this Commission with facts and data necessary for a comprehensive understanding of the environmental and other related issues.

This list is being circulated to all parties that filed petitions for reconsideration on the environmental issues in this proceeding and to the railroad respondents. It is hoped that these parties might refer this Commission to any additional literature or materials not listed in the bibliography which would be of assistance to present efforts. Replies to this inquiry will be due on or before December 22, 1972.

We believe that this notice complies with the spirit and letter of the National Environmental Policy Act of 1969 and the guidelines of the Council on Environmental Quality which encourage Federal agencies to seek the cooperation and expertise of others, not only prior to the issuance of a draft impact statement, but at all stages of a proceeding. In accordance with the Commission's environmental rules and the guidelines, further opportunity for submitting comments will be afforded subsequent to the issuance of a draft environmental impact statement in this proceeding.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-21613 Filed 12-14-72;8:50 am]

[Notice 183]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73652. By order of November 27, 1972, the Motor Carrier Board, on reconsideration, approved the transfer to Leonard L. Madsen, doing business as Kroeger Transfer, Box 127, Minden, IA 51553 of the operating rights in Certificate No. MC-47814 issued January 29, 1970, to Larry Jacobsen and Darrell Clayton, a partnership, doing business as Walnut Transfer, Walnut, Iowa 51577, authorizing the transportation of livestock, grain, hay, feed, agricultural implements, lumber, concrete blocks, and petroleum products in containers, between Harlan, Iowa, and points within 25 miles of Harlan, on the one hand, and, on the other, Omaha, Nebr.

No. MC-FC-74022 (Corrected).[1] By order of November 8, 1972, the Motor Carrier Board approved the transfer to Southwest Equipment Rental, Inc., doing business as Southwest Motor Freight, Pico Rivera, Calif., of the operating rights in Certificate No. MC-40915 (Sub-No. 19), MC-40915 (Sub-No. 21), MC-40915 (Sub-No. 23), MC-40915 (Sub-No. 28), MC-40915 (Sub-No. 31), MC-40915 (Sub-No. 32), MC-40915 (Sub-No. 33), and MC-40915 (Sub-No. 42), issued April 27, 1971, May 11, 1971, June 16, 1971, January 10, 1972, August 24, 1971, June 2, 1971, May 11, 1971, and January 14, 1972, respectively, to Boat Transit, Inc., Newport Beach, Calif., authorizing the transportation of various commodities from and to specified points and areas in the United States, except Hawaii and Alaska. Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027, representative for applicants.

No. MC-FC-74045. By order of November 17, 1972, the Motor Carrier Board approved the transfer to Richmond Transfer and Storage Co., a California corporation, Richmond, Calif., of the operating rights in Certificate No. MC-126698 (Sub-No. 1) issued March 2, 1970 to William F. Bottoms and Ralph W. Johnson, a partnership doing business as Boone's Transfer & Storage Co., Sacramento, Calif., authorizing the transportation of used household goods between points in Yolo, Placer, Sacramento, and El Dorado Counties, Calif. Frank Loughran, 100 Bush Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-74046. By order of November 17, 1972, the Motor Carrier Board approved the transfer to Richmond Transfer and Storage Co., a California corporation, Richmond, Calif., of the operating rights in Certificates Nos. MC-88414 and MC-88414 (Sub-No. 1) issued September 2, 1949 and March 17, 1967 respectively to Ralph William Johnson and William Frederick Bottoms, a partnership, doing business as Richmond Transfer & Storage Co., Richmond, Calif., authorizing the transportation of general commodities, with exceptions, between Richmond, San Pablo, and Santa Rita Acres, Calif., and household goods between points within 30 miles of Richmond, Calif., and between points on the Island of Oahu, Hawaii. Frank Loughran,

[1] Filed as part of the original document. Copies may be obtained from Interstate Commerce Commission, Office of the Secretary.

[1] Notice of approval of the above application was prematurely published in the FEDERAL REGISTER of November 16, 1972. Interested parties may file petitions for reconsideration of the subject order within 20 days after the date of this publication.

100 Bush Street, San Francisco, Calif. 94104, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-21616 Filed 12-14-72;8:50 am]

[Notice 167]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 8, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIER OF PROPERTY

No. MC 409 (Sub-No. 45 TA), filed November 13, 1972. Applicant: SCHROETLIN TANK LINE, INC., Mailing: Post Office Box 511, Office; Saunders Avenue and Highway 6, Sutton, NE 68979. Applicant's representative: Patrick E. Quinn, Post Office Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and ammonium nitrate,* in bags or bulk, from the warehouse site of Farmland Industries, Inc., at or near Hastings, Nebr., to points in Wyoming, Colorado, Kansas, and South Dakota, for 180 days. Supporting shipper: Robert E. Chipley, Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO 64116. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 1641 (Sub-No. 98 TA), filed November 20, 1972. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, NE 68327. Applicant's representative: R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and ammonium nitrate,* in bulk, or in bags, from Farmland Industries, Inc., plant or warehouse located at or near Hastings, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming for 180 days. Supporting shipper: Robert E. Chipley, Farmland Industries, Inc. 3315 North Oak Trafficway, Kansas City, MO. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 2392 (Sub-No. 85 TA), filed November 10, 1972. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, 7722 F Street, West Omaha Station, Omaha, NE 68114. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, ammonium nitrate,* in bags or bulk, from Hastings, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming, for 180 days. Supporting Shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, Mo. Send Protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 27063 (Sub-No. 21 TA), filed November 13, 1972. Applicant: LIBERTY TRANSFER COMPANY, INC., 1601 Cuba Street, Baltimore, MD 21230. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Green coffee beans,* in bags, from New York, N.Y., to Landover, Md., for 150 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., 950 Stuyvesant Avenue, Union, NJ 07083. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 30844 (Sub-No. 438 TA), filed November 22, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50702. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Footwear, footwear accessories and footwear display cases,* from Brockton, Mass., to points in Colorado and Oklahoma, and from Norwood, Mass., to points in Colorado and Illinois (except Chicago and commercial zone), Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin, for 180 days. Supporting shipper: Meldisco Shoe, division of Melville Shoe Corp., 401 Hackensack Avenue, Hackensack, NJ 07601. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 34918 (Sub-No. 1 TA), filed November 20, 1972. Applicant: R. F. POST, INC., 105 Middle Street, Scranton, PA 18508. Applicant's representative: Les Lunt (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Scranton, Pa., and Harrisburg, Pa., serving all intermediate points and off route points in Pennsylvania within 100 miles of Scranton, Pa., from Scranton, Pa., over U.S. Highway 11 to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport, Pa., thence over U.S. Highway 220 to Lock Haven, Pa., thence over Pennsylvania Highway 120 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 15, thence over U.S. Highway 15 to U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg; also from Scranton over Interstate Highway 81 to junction Pennsylvania Highway 61, thence over Pennsylvania Highway 61 to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., and return over the same routes, for 180 days. NOTE: Applicant states that it does intend to tack with the authority in MC 4963 and MC 34918. Supported by: There are approximately 38 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 42823 (Sub-No. 4 TA), filed November 3, 1972. Applicant: THEODORES ROSSI TRUCKING CO., INC., 9 South Vine Street, Barre, VT 05641. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Granite,* from the piers in New York, N.Y., and Port Newark, N.J., to Barre and Montpelier, Vt., for 90 days. Supporting shipper: Granite Importers, Inc., Barre, Vt. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 44128 filed November 13, 1972. Applicant: EPES TRANSPORT SYSTEM, INC., Post Office Box 4038, Richmond, VA 23224. Applicant's representative: Edward G. Villalon, Pennsylvania

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconstituted, reconstructed or homogenized tobacco*, from Spotswood, N.J., to Louisville, Ky., for 180 days. Supporting shipper: Brown and Williamson Tobacco Corp., 1600 West Hill Street, Louisville, KY 40201. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, VA 23240.

No. MC 51146 (Sub-No. 298 TA), filed November 13, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Neil Du Jardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Green Bay, Wis., to Evansville, Ind., for 180 days. Supporting shipper: Pauly Cheese Co., Green Bay, Wis. 54306 (Kenneth Bare, Traffic Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 80428 (Sub-No. 83 TA), filed November 13, 1972. Applicant: McBRIDE TRANSPORTATION, INC., Post Office Box 430, 289 West Main Street, Goshen, NY 10924. Applicant's representative: Richards & Richards, Post Office Box 225, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers, container ends and accessories and material and supplies*, used in connection with the manufacture and distribution thereof, moving in mechanical self-unloading trailers of the roller-conveyor type (except in bulk, in tank trailers), from Walkill, N.Y., to Latrobe, Pa., for 180 days. Supporting shipper: Reynolds Metals Co., Route 2 Ballard Road, Middletown, N.Y. 10940. Send protests to: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

No. MC 92633 (Sub-No. 20 TA), filed November 9, 1972. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street North, Lewiston, ID 83501. Applicant's representative: Donald A. Ericson, Old National Bank Building, Suite 708, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining and contractors' material and supplies, petroleum products in containers, and agricultural commodities*, between points in Washington west of the Cascade Mountains and points in Oregon, on the one hand, and, on the other, points in Idaho, with removal of certain restrictions and tacking, for 180 days. Supporting shippers: Chandler Supply Co., Box 2840, Boise, ID 83701; Boise Cascade Corp., Transportation and Distribution Department, Post Office Box 7747, Boise, ID 83707; Gate City Steel, Box 8005, Boise, ID 83707; Color Tile Supermarts, 251 North Orchard Street, Boise, ID 83704; Bird & Son of Mass., 2555 Flores Street, Suite 590, San Mateo, CA 94403. Send protests to: L. D. Boone, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 108207 (Sub-No. 362 TA), filed November 17, 1972. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, 75222, Dallas, TX 75207. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, and (2) *specialty gift items*, when moving in mixed load with foodstuffs, from Sun Prairie, Wis., to points in Louisiana, California, Oklahoma, Texas, Arizona, and New Mexico, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: The Wisconsin Cheeseman, Post Office Box 1, Madison, WI 53701. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 110 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 111103 (Sub-No. 40 TA), filed November 9, 1972. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–729 South Broad Street, Philadelphia, PA 19147. Applicant's representative: J. E. Rokke (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals, metal articles, foreign coins, jewelry, articles of unusual value and materials* used in the production of these commodities, between Franklin Center, Pa., on the one hand, and, on the other, Greenfield and Attleboro, Mass., Farmingdale and Hauppauge, N.Y., Meriden, Conn., and Providence, R.I., for 180 days. Supporting shipper: The Franklin Mint, Franklin Center, Pa. 19063. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111545 (Sub-No. 177 TA), filed November 6, 1972. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426 Station A, 1425 Franklin Road SE., Marietta, GA 30060. Applicant's representative: Robert E. Born (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, and *buildings* in sections, moving on undercarriages, from points in Floyd County, Ga., to points in Alabama, Florida, Kentucky, North Carolina, South Carolina, Virginia, and West Virginia, for 180 days. Supporting shipper: Boise Cascade Corp., Transportation and Distribution Department, Post Office Box 7747, Boise, ID 83707. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 112014 (Sub-No. 18 TA), filed November 9, 1972. Applicant: SKAGIT VALLEY TRUCKING CO., INC., Post Office Box 400, Office: 1417 McLean Road, Mt. Vernon, WA 98273. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, corrugated, paper, or pulpboard*, from Bellevue, Wash., to the international boundary line between the United States and Canada at or near Blaine and Sumas, Wash., for 180 days. Supporting shipper: Western Kraft Corp., Post Office Box 955, Bellevue, WA 98004. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 112822 (Sub-No. 250 TA), filed November 27, 1972. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except frozen), from Hartington, Nebr., to Springfield, Mo., for 180 days. Supporting shipper: Kraft Foods Division of Kraftco Corp., James N. Boren, Regional Traffic Manager, 2114 Ridgecrest Drive, Garland, TX. Send protests to: C. L. Phillips, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 113535 (Sub-No. 25 TA), filed November 13, 1972. Applicant: A & W TRUCKING CO., INC., Route 5, Box 900, Mosinee, WI 54455. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, (a) from Ryan, Iowa to Portage, Wis.; (b) from Whittmore, Iowa, to points in Wisconsin and (c) between Rochester, Minn., and points in Wisconsin, for 180 days. Supporting Shipper: Associated Milk Producers, Inc., Post Office Box 61, Mason City, IA 50401. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 113865 (Sub-No. 18 TA), filed November 14, 1972. Applicant: STAUFFER TRUCK SERVICE, INC. (Missouri Corp.), Rural Route No. 1, Taylor, Mo. 63471. Applicant's representative: S. R. Stauffer (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by manufacturers and

wholesalers of beekeepers supplies and equipment; *altar supplies, candles, and wax,* from the plantsite of Dadant & Sons, Inc., at Hamilton, Ill., to points in the United States (except Alaska, Hawaii, California, Montana, Lynchburg, Va., Hahira, Ga., Paris, Mich., and Medina and Latty, Ohio.) (2) *empty honey glass,* from Marion, Ohio, Zanesville, Ohio and Ada Okla., to Hamilton, Ill.; (3) *empty honey cans,* from Tallapoosa, Ga., to Hamilton, Ill; (4) *honey sections,* from Boyd, Wis., and Media, Ohio to Hamilton, Ill.; (5) *paraffin wax,* from points in Louisiana and Texas to Hamilton, Ill.; and (6) *candle glass,* from Millville and Paterson, N.J., Sapulpa, Okla., and Clarion, Pa., to Hamilton, Ill., for the account of Dadant & Sons, Inc., Hamilton, Ill., for 180 days. Supporting Shipper: Dadant & Sons, Inc., Hamilton, Ill. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 114265 (Sub-No. 20 TA), filed November 24, 1972. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, ID 83705. Applicant's representative: F. L. Sigloh, Post Office Box 7651, Boise, ID 83707. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Laminated wooden beams,* from plantsite of Trus-Joist Corp., Eugene, Oreg., to plantsite of Trus-Joist Corp., at Ft. Lupton, Colo., for 180 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Trus-Joist Corporation, 9777 West Chinden Boulevard, Boise, ID 83703. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, ID 73702.

No. MC 115669 (Sub-No. 135 TA), filed November 13, 1972. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Box 95, Clay Center, NE 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry ammonium nitrate fertilizer,* from the plantsite of Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO 64116. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 117565 (Sub-No. 72 TA), filed November 27, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Route 3, Official Route 3, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic polystyrene foam shapes, rolls, sheets and forms,* from the plantsite and warehouse facilities of Huntsman Container Corp., located at, or near Troy, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and all States east thereof, for 180 days. Supporting shipper: Huntsman Container Corp., Troy, Ohio 45373. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 118159 (Sub-No. 128 TA), filed November 6, 1972. Applicant: EVERETT LOWRANCE, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen potato and potato products,* from Grand Forks, N. Dak., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, Missouri, Kansas, Nebraska, Oklahoma, Tennessee, and Texas for 180 days. Supporting shipper: Potato Service, Inc., W. J. Felleman, Director of Transportation, Roslyn Heights, N.Y. 11577. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 118989 (Sub-No. 77 TA), filed November 13, 1972. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221, Applicant's representative: Albert A. Andrin, 20 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) Plastic drum inserts, from the plant or warehouse facilities of Container Corporation of America at or near Addison, Ill., to Van Wert, Ohio; and (2) *containers, container ends, parts, and accessories* for containers and fiber cores and tubes, from the plant and warehouse facilities of Continental Can Co., Inc., at or near Van Wert, Ohio, to points in Illinois, Indiana, Michigan, Kentucky, Missouri, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Supporting shippers: Container Corporation of America, 500 East North Avenue, Carol Stream, IL 60187 (James R. Raudenbush, central traffic manager), and Continental Can Co., Inc., 150 South Wacker Drive, Chicago, IL 60056 (Russell Morris, district supervisor of traffic). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee WI 53203.

No. MC 124408 (Sub-No. 10 TA), filed November 13, 1972. Applicant: THOMPSON BROS., INC., Post Office Box 457, Toronto, SD 57263. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products,* from Grand Forks, N. Dak., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Potato Service, Inc., Roslyn Heights, N.Y. 11577, W. J. Felleman, director of transportation. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 129656 (Sub-No. 3 TA), filed November 14, 1972. Applicant: TRI DELTA BUILDING MATERIALS CO., INC., 2245 East Jackson Street, Phoenix, AZ 85034. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Gypsum lath, gypsum wallboard, gypsum plaster, and retarder,* from Blue Diamond, Nev., to all counties and points in Arizona, for 180 days. Supporting shipper: Flintkote, Building Products Group/Gypsum Products Division, Post Office Box 2312, Terminal Annex, Los Angeles, CA 90051. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 133968 (Sub-No. 4 TA), filed November 17, 1972. Applicant: WATERFORD EXCAVATING CO., INC., Post Office Box 344, Milwaukee, WI 53201; 622 North Cass Street, Suite 411, Milwaukee, WI 53202. Applicant's representative: John Conlan (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* in bulk, in dump vehicles, from Minneapolis, commercial zone to various points in Wisconsin, for 180 days. Supporting shipper: Cargill, Inc., Salt Department, Cargill Building, Minneapolis, Minn. 55402 (John Labriola, manager, rail/truck distribution). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 134477 (Sub-No. 26 TA), filed November 16, 1972. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fresh meats,* (1) from the plantsite and/or storage facilities utilized by Armour & Co., at or near Huron, S. Dak., to Portland, Oreg.; and (2) from the plantsite and/or storage facilities utilized by Armour & Co., at or near Sioux City, Iowa, to San Francisco,

Calif., for 180 days. Supporting shipper: Armour Food Co., Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 136371 (Sub-No. 6 TA), filed November 16, 1972. Applicant: CONCORD TRUCKING CO., INC., 30 Pulaski Street, Bayonne, NJ 07002. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, for the account of Unishops, Inc., between the facilities of Unishops, Inc., their divisions and subsidiaries, located in Jersey City and Bayonne, N.J., on the one hand, and, on the other, Wadena, Minn., and Grafton, N. Dak., for 180 days. Supporting shipper: Unishops, Inc., 21 Caven Point Avenue, Jersey City, NJ 07305. Send protests to: District Supervisor R. E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136647 (Sub-No. 9 TA), filed November 16, 1972. Applicant: GREEN MOUNTAIN CARRIERS, INC., Post Office Box 1319, Albany, NY 12201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined in Appendix I (61 M.C.C. 272 B) (except in bulk) in temperature controlled equipment, from Alburg and Milton, Vt., to points in Florida, Minnesota, New Jersey, Nassau, and Queen County, N.Y., with stop-off-privileges at Brooklyn, N.Y., to partially load or unload, for 180 days. Supporting shipper: Alburg Creamery, Inc., Post Office Box 260, Alburg, NY 05440. Send protests to: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

MOTOR CARRIERS OF PASSENGERS

No. MC 138199 TA, filed November 17, 1972. Applicant: LEONARD J. MARKOWSKI, doing business as: AIR-LINK, Route 3, Box 579, Coeur d'Alene, ID 83814. Applicant's representative: Leonard J. Markowski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, baggage express, and newspapers*, from points in Kootenai County, Idaho to Spokane International Airport, Spokane County, Wash., and return, for 180 days. Supporting shippers: The Idaho First National Bank, Box 520, Coeur d' Alene, ID 83814; Ace Travel Agency, Post Office Box 866, Coeur d'Alene, ID 83814; Chamber of Commerce, Box 850, Coeur d'Alene, ID 83814, and City of Coeur d'Alene, Fifth and Sherman, Coeur d'Alene, ID 83814. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-21615 Filed 12-14-72;8:50 am]

[Notice 168]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 11, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Sub-No. 173 TA), filed November 30, 1972. Applicant: RED BALL MOTOR FREIGHT, INC., Post Office Box 47407, 3177 Irving Boulevard, 75207, Dallas, TX 75247. Applicant's representative: Martin B. Turner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, livestock, commodities in bulk, household goods, and commodities requiring special equipment, from Mount Pleasant, Tex., to Monticello Steam Electric Station located 2 miles north of U.S. Highway 67 and Farm-to-Market Road 1734 in Titus County, Tex., and return movement as follows: from Mount Pleasant, Tex., over U.S. Highway 67 to intersection of Farm-to-Market Road 1734, thence over Farm-to-Market Road 1734 to the Monticello Steam Electric Station, Titus County, Tex., and return over the same route, for 180 days. NOTE: Applicant does intend to tack with the authority in MC 2229 and Subs thereunder. Supporting shipper: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 110 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 2368 (Sub-No. 36 TA), filed November 29, 1972. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road 23234, Post Office Box 495, Richmond, VA 23204. Applicant's representative: Ward J. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fuel oil, kerosene and gasoline*, in bulk, in tank vehicles, from Norfolk, Va., to points in West Virginia and (2) *Petroleum products*, in bulk, in tank vehicles, from Richmond, Va., to points in West Virginia for 180 days. Supporting shipper: Humble Oil & Refining Co., Hunt Valley, Md. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 10321 (Sub-No. 5 TA), filed December 5, 1972. Applicant: J. A. CARMAN TRUCKING COMPANY, INC., Post Office Box 156, Prattsville, NY 12468. Applicant's representative: Julius Braun, Room 21, Albany Port Administration Building, Albany, N.Y. 12202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in cans and bottles, in cases or cartons, and in kegs and barrels, from Fogelsville, Pa., to Catskill, N.Y., for 180 days. Supporting shipper: Joseph J. Hoy, Jr., Inc., Bridge Street, Catskill, N.Y. Send protests to: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 19227 (Sub-No. 175 TA), filed November 29, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33142. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewage disposal plants*, from Baltimore, Md., to points in Arkansas, Georgia, North Carolina, South Carolina, and Tennessee, for 150 days. Supporting shipper: General Environmental Equipment, Inc., 5020 Stepp Avenue, Jacksonville, FL 32216. Send protests to: District Supervisor Joseph B. Terchert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 26396 (Sub-No. 64 TA), filed November 30, 1972. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, 201 West Park, Mailing: Post Office Box 990, Livingston, MT 59047. Applicant's representative: Wayne Waggoner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood*

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

fence materials and wood poles, from points in Idaho, Boundry, Bonner, Kootenia, Shoshone, Benewah, Latah, Clearwater, Lewis, Nez Perce Counties, Idaho and St. Regis, Superior, and Troy, Mont., to points in Idaho, Indiana, and Michigan, for 180 days. Supporting shipper: North Pacific Lumber Co., Post Office Box 3915, Portland, OR 97208. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 40757 (Sub-No. 14 TA), filed December 1, 1972. Applicant: CREECH BROTHERS TRUCK LINES, INC., 100 Industrial Drive, Troy, MO 63379. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Farm tractors, farm implements, and related parts,* between the warehouse site of Deutz Tractor Corp. located at or near O'Fallon, Mo., on the one hand, and, on the other, points in Minnesota, Nebraska, and Wisconsin, for 180 days. Applicant states it intends to tack with its existing authority in MC 40757 (Sub-No. 13). Supporting shipper: Deutz Tractor Corp., O'Fallon Industrial Park, Post Office Box 159, O'Fallon, MO 63366. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, 210 North 12th Street, Room 1465, St. Louis, MO 63101.

No. MC 51146 (Sub-No. 299 TA), filed November 29, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298, 54306, Green Bay, WI 54304. Applicant's representative: Neil DuJardin (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat and meat products,* from Eau Claire and Chippewa Falls, Wis., to points in Indiana, Kentucky, Lower Peninsula of Michigan, Missouri, Ohio, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: Packerland Packing Co., Inc., Route 6, Lime Kiln Road, Green Bay, Wis. 54301 (Lynes Wobken, Secretary-Treasurer). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 60430 (Sub-No. 21 TA), filed November 28, 1972. Applicant: FRIEDMAN'S EXPRESS, INC., 220 Conyngham Avenue, Post Office Box 480, Wilkes-Barree, PA 18703. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, and those injurious or contaminating to other lading, between New York, N.Y., on the one hand, and, on the other, points in Suffolk County, N.Y., for 180 days. Restriction: The above authority is restricted to shipments having origin or destination at points in Pennsylvania within the scope of applicant's presently authorized authority. NOTE: Applicant intends to tack its present operating authority at New York, N.Y., giving it through operations between its Pennsylvania territory and Suffolk County, N.Y. Supported by: There are approximately 49 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 28089 (Sub-No. 2 TA), filed November 29, 1972. Applicant: JOHN L. WOOD, Rural Route No. 1, Watseka, IL 60970. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Shale,* in bulk, in dump vehicles from the plantsite of the Eastern Illinois Clay Co., approximately 6 miles south of West Lebanon, Ind., on Highway 63 to Kankakee and St. Anne, Ill., return with rejected shipments for 180 days. Supporting shipper: Eastern Illinois Clay Co., Mr. Albert F. Meier, St. Anne, Ill. 60964. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 101075 (Sub-No. 112 TA), filed November 20, 1972. Applicant: TRANSPORT, INC., Post Office Box 396, 1210 Center Avenue, Moorhead, MN 56560. Applicant's representative: Ronald B. Pitsenbarger (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* in bulk, from points in Morton County, N. Dak., to points in Minnesota, for 180 days. Supporting shipper: American Oil Co., 500 North Michigan Avenue, Chicago, IL 60611. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 105937 (Sub-No. 13 TA), filed November 30, 1972. Applicant: NORTHWEST MOTOR FREIGHT COMPANY, a corporation, 435 Rock Island Road, East Wenatchee, WA 98801. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Spokane, Wash., and Wenatchee, Wash., from Spokane over Interstate Highway 90 to its junction with State Highway 281 at or near George, Wash., and thence over State Highway 281 to its junction with State Highway 28 at or near Quincy, Wash., and thence over State Highway 28 to Wenatchee, Wash., and return over the same route, serving no intermediate points except East Wenatchee, Wash., for 180 days. NOTE: Applicant states it does intend to tack at the common point of Wenatchee Wash., with the authority contained in MC-105937 and MC-105937 (Sub-No. 11). Supported by: There are approximately 40 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, WA 98104.

No. MC 106400 (Sub-No. 93 TA), filed December 1, 1972. Applicant: KAW TRANSPORT COMPANY, Post Office Box 12628, North Kansas City, Mo. 64116. Applicant's representative: Harold D. Holwick (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cleaning compound containing sulfuric acid,* in bulk, in tank vehicles, from St. Joseph, Mo., to Oak Creek, Wis., for 180 days. Supporting shipper: Amchem Products, Inc., Ambler, Pa. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 107162 (Sub-No. 33 TA), filed November 28, 1972. Applicant: NOBLE GRAHM TRANSPORT, INC., Rural Route No. 1, Brimley, Mich. 49715. Applicant's representative: John D. Varda, 121 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from La Crosse and Sheboygan, Wis., to Sault Ste. Marie and Engadine, Mich., for 180 days. Supporting shipper: John C. Jorgenson, partner, Marchetti Distributing Co., 700 Emeline Street, Sault Ste. Marie, MI. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 225, Federal Building, Lansing, Mich. 48933.

No. MC 107496 (Sub-No. 868 TA), filed November 27, 1972. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier,* by motor

vehicle, over irregular routes, transporting: *Aviation gas,* in bulk, in tank vehicles, from Winona, Minn., to points in South Dakota, North Dakota, Iowa, and Wisconsin (except Jackson, Clark, Wood, Marathon, Portage, Adams, Juneau, Monroe, and Vernon Counties, Wis.), for 150 days. Supporting shipper: American Oil Co., 500 North Michigan Avenue, Chicago, IL 60611. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 110420 (Sub-No. 667 TA), filed November 21, 1972. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158; Office: I–95 County Highway C, Bristol, Kenosha County, Wis. 53104. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed supplements,* liquid, in bulk, in tank vehicles, from De Kalb, Ill., to Goshen, Ind., Fowlerville and Moran, Mich., and Racine, Wis., for 180 days. Supporting shipper: William E. Watso, Mutual Products Co., Liquid Feed Division, 509 North Fourth Street, Minneapolis, MN. Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 112854 (Sub-No. 31 TA), filed November 30, 1972. Applicant: HOLLEBRAND TRUCKING, INC., Post Office Box 164, Macedon Center Road, Ontario, NY 14520. Applicant's representative: S. Michael Richards, Post Office Box 225, Webster, NY 14580. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Manufactured dairy products,* moving mechanically refrigerated vehicles, from Lafargeville, and Arkport, N.Y.; to Richmond and Norfolk, Va.; Charlotte and Raleigh, N.C.; Charleston and Columbia, S.C.; Quincy, Jacksonville, Miami, and Tampa, Fla.; Atlanta, Statesboro, Thomasville, and Valdosta, Ga., for 180 days. Supporting shipper: Crowley Foods, Inc., 145 Conklin Avenue, Binghamton, NY 13902. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard, West, Syracuse, NY 13202.

No. MC 112989 (Sub-No. 27 TA), filed November 29, 1972. Applicant: WEST COAST TRUCK LINES, INC., Post Office Box 668, Coos Bay, OR 97420. Applicant's representative: John G. McLaughlin, 620 Blue Cross Building, Portland, Oreg. 97201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Gypsum products, consisting of lath, sheathing, wallboard and plaster in sacks and materials and supplies,* used in the installation thereof and moving therewith, from Sigurd, Utah, to points in Oregon, for 180 days. Supporting shipper: Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, OR 97204. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 113459 (Sub-No. 75 TA), filed November 22, 1972. Applicant: H. J. JEFFRIES TRUCK LINE, INC., 4720 South Shields Boulevard, Post Office Box 94850, 73109, Oklahoma City, OK 73129. Applicant's representative: Robert Fisher (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dragline parts and related commodities,* from Hardin, Mont., to Sarpy Creek Coal Mine, Big Horn County, Mont., having a prior movement by rail, for 180 days. Supporting shipper: Morrison-Knudson Co., Inc., 400 Broadway, Post Office Box 7808, Boise, ID 83707. Send protests to: C. L. Phillips, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma City, OK 73102.

No. MC 113535 (Sub-No. 26 TA), filed November 22, 1972. Applicant: A & W TRUCKING CO., INC., Route 5, Box 900, Mosinee, WI 54455. Applicant's representative: John J. Altenburg (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Articles manufactured* and/or dealt in by wholesale and retail grocery houses (except commodities in bulk), from the facilities of United Facilities, Inc., at Galesburg, Ill., to points in Iowa, Minnesota, and Wisconsin, restricted to traffic originating at the named origin and destined to points in the named destination States, for 180 days. Supporting shipper: United Facilities, Inc., Post Office Box 539, Peoria, IL 61601. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 114533 (Sub-No. 269 TA), filed December 1, 1972. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies* (except motion films and materials and supplies used in connection with commercial and television motion pictures), between Jackson, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, Iowa, Minnesota, and Wisconsin; and (2) *eyeglasses, lenses, frames and parts thereof,* between Plaltine, Ill., on the one hand, and, on the other, points in Indiana, Wisconsin, and Michigan, for 180 days. Supporting shippers: Manfred J. Woog, President, Woog Photo, Inc., Hassmer Drive, Jackson, Wis. 53037; Marcel Lorenz, President, Lorenz Optical Co., 5 North Wabash Avenue, Chicago, IL. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 114533 (Sub-No. 270 TA), filed December 1, 1972. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Audit media and other business records,* between Springfield, Mo., on the one hand, and, on the other, points in Kansas, for 180 days. Supporting shipper: William K. Powell, President, Herrman Lumber Co., 332 South Glenstone, Springfield, MO. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 114725 (Sub-No. 50 TA), filed November 20, 1972. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fuel oil,* from points in Richardson County, Nebr., to Marshall, Mo., for 180 days. Supporting shipper: G & A Marketing, 103 South Main, Council Bluffs, IA 51501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 114725 (Sub-No. 51 TA), filed November 21, 1972. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Applicant's representative: J. Max Harding, 605 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, ammonium nitrate,* in bags or bulk, from warehouse of Farmland Industries, Inc., Hastings, Nebr., to points in Wyoming, Colorado, Kansas, and South Dakota, for 180 days. Supporting shipper: Robert E. Chipley, Farmland Industries, Kansas City, Mo. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 114897 (Sub-No. 101 TA), filed November 20, 1972. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road (Post Office Drawer 9897), El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Titanium tetrachloride,* in bulk, in tank vehicles, from Henderson, Nev., to Freeport, Tex.,

for 150 days. Supporting shipper: P. H. Norton, Purchasing Agent, Titanium Metals Corp. of America, Post Office Box 2128, Henderson, NV 89015. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 115180 (Sub-No. 87 TA), filed November 27, 1972. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10011. Applicant's representative: George A. Olsen, 60 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 71 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities utilized by Wilson Beef and Lamb Co., at Denver, Colo., to points in New York, New Jersey, Baltimore, and Landover, Md., Philadelphia, Pa., Boston, Mass., and points in the commercial zones of each of the foregoing, for 180 days. Supporting shipper: Wilson Beef & Lamb Co., Post Office Box 16384, Denver, CO 80216. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116544 (Sub-No. 138 TA), filed November 17, 1972. Applicant: WILSON BROTHERS TRUCK LINES, INC., Post Office Box 636, 700 East Fairview Avenue, Carthage, MO 64836. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery products*, from Thibodaux, La., to Pewaukee, Wis.; and (2) *packaging materials, advertising materials, bags, boxes, cartons, tapes, and labels*, from New Orleans, La., to Pewaukee, Wis., for 180 days. Supporting shipper: Howard B. Stark Co., Candy Lane and Hickory Street, Pewaukee, Wis. 53072. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 117036 (Sub-No. 17 TA), filed November 29, 1972. Applicant: H. M. KELLY, INC., Rural Delivery 1, Post Office Box 87, New Oxford, PA 17050. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and building block*, from Fairmount Heights, Md., to points in New York, Delaware, Connecticut, Rhode Island, and Massachusetts; and (2) *brick and building block*, from Ewing, N.J., to points in New York, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, and Massachusetts, for 180 days. Supporting Shippers: Capitol Clay Products, 6600 Sheriff Road NE., Washington, D.C. 20027; Glazed Products Inc., Post Office Box 2731, Trenton, NJ 08607. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 117799 (Sub-No. 43 TA), filed November 20, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from plantsite and storage facilities utilized by Leprino Cheese Co., at or near Superior, Nebr., to Atlanta, Ga., and Orlando, Fla., for 150 days. Supporting shipper: Leprino Cheese Co., Superior, Nebr. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 117799 (Sub-No. 44 TA), filed November 30, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible bakery supplies*, from plantsite and storage facilities utilized by Globe Products, Inc., at or near Clifton, N.J., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Ohio, and West Virginia, for 180 days. Supporting shipper: Globe Products Co., Inc., Clifton, N.J. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 117848 (Sub-No. 6 TA), filed November 28, 1972. Applicant: FRED CARPENTIER, 1415 Luzerne Street, Scranton PA 18504. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., to Scranton, Pa., for 150 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, PA 18503.

No. MC 118468 (Sub. No. 32 TA), filed November 28, 1972. Applicant: UMTHUN TRUCKING CO., 910 South Jackson, Eagle Grove, IO 50533. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (A) from points in Minnesota and South Dakota to Eagle Grove, Iowa; and (B) from Eagle Grove, Iowa, to points in Minnesota, South Dakota, Wisconsin, and Nebraska, for 180 days. Supporting shipper: Emmer Eagle Grove, Iowa, Eagle Grove, Iowa 50533. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 118831 (Sub-No. 91 TA), filed November 13, 1972. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044 Zip 27261, High Point, N.C. 27263. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural latex*, in bulk, from Baltimore, Md., to points in Kentucky, for 180 days. Supporting shipper: Stein, Hall & Co., Inc., Marketing, Sales and Services, 605 Third Avenue, New York, NY 10016. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 118910 (Sub-No. 4 TA), filed December 1, 1972. Applicant: T. E. GROTEVANT, doing business as J & G CONTRACT CARRIERS, 610 West Henry Street, Pontiac, IL 61764 Applicant's representative: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors, channels, angles and coils, hardware, screens and awnings, and such commodities and machinery* as are used by or dealt in by manufacturers of aluminum and plastic products and components parts thereof, between Chatsworth, Ill., and Rice Lake, Wis., under contract with Nichols-Homeshield, Inc., for 180 days. Supporting shipper: Perry Viakler, Nichols-Homeshield, Inc., Chatsworth, Ill. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 119245 (Sub-No. 5 TA), filed December 1, 1972. Applicant: E. J. PAULETTE, doing business as PAULETTE'S DELIVERY SERVICE, 1155 Joseph Street, Shreveport, LA 71107. Applicant's representative: John M. Madison, Jr., 17th Floor Beck Building, Shreveport, La. 71166. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (such as home-care products) that are marketed by Amway Corp., from Shreveport, La., to the Texas counties of: Marion, Cass, Hopkins,

Hunt, Lamar, Fannin, Rains, Wood, Harrison, Gregg, Upshur, Camp, Smith, Van Zandt, Henderson, Rusk, Panola, Bowie, Red River, Franklin, Titus, Morris, Shelby, Delta, and Sabine; and the Louisiana parishes of: Bossier, Caddo, Morehouse, Ouachita, Richland, Grant, Rapides, Avoyelles, Bienville, Caldwell, Catahoula, Claiborne, DeSota, East Carroll, Franklin, Jackson, LaSalle, Lincoln, Madison, Natchitoches, Red River, Sabine, Tensas, Union, Vernon, Webster, West Carroll, and Winn., of home car products having a prior movement in interstate commerce, for 180 days. NOTE: Applicant states it does intend to tack with the authority in MC 119245 Sub-No. 4. Supporting shipper: Amway Corp., 2001 Timberlake Drive, Arlington, TX 76010, Bennett R. Tibbs, Transportation Supervisor. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 121082 (Sub-No. 6 TA), filed November 24, 1972. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell Avenue, Detroit, MI 48238. Applicant's representative: Robert E. McFarland, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wearing apparel,* in packages, from Detroit, Mich., to points in Michigan located on and south of Michigan Highway 20, for 150 days. Supporting shipper: Holly Stores, Inc., 7373 Westside Avenue, North Bergen, NJ 07047. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broaderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 121082 (Sub-No. 7 TA), filed November 24, 1972. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell Avenue, Detroit, MI 48238. Applicant's representative: Robert E. McFarland, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Toilet preparations and other commodities* sold in retail and discount drug stores, between Detroit, Mich., and points in the Michigan lower peninsula, for 150 days. Supporting shipper: Revlon, Inc., Route 27, Talmadge Road, Edison, N.J. 08817. Send protests to: Melvin F. Kirsch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 121428 (Sub-No. 3 TA), filed November 22, 1972. Applicant: ENID FREIGHT LINES, INC., 3016 North Sixth Street, Oklahoma City, OK 73701. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* between Lamont, Okla., and Tonkawa, Okla., via U.S. Highway 60, for interline purposes, serving no new points, for 180 days. Applicant intends to tack to its own authority at Lamont, Okla., and applicant intends to interline with Graves Truck Line, Inc., at Tonkawa, Okla. Supporting shippers: Austin Rexal Drug, 125 Grand, Cherokee, Okla.; Graves Truck Line, 739 North 10th Street, Salina, KS 67401 and Goodrich Plumbing and Heating Co., Post Office Box 373, 13 Oklahoma Boulevard, Alva, OK. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240 Old Post Office Building, 215 Northwest Third Street, Oklahoma City, OK 74102.

No. MC 123048 (Sub-No. 237 TA), filed November 30, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A 53401, Racine, Wis. 53403. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wallboard, fibreboard, pulpboard, adhesive, cement, plastic plate, wood moldings, aluminum flashings, mantels, shelves, brackets, beams (wood), trim and hardware* for above, from Farmingdale and Deer Park, N.Y., and Lodi, N.J., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Barclay Industries, Inc., 65 Industrial Road, Lodi, NJ 07644 (Larry Kurnentz, traffic manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 123639 (Sub-No. 150 TA), filed November 29, 1972. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: E. R. Driskell (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Denver, Colo., to New York and Rochester, N.Y.; East Hartford, Conn.; Baltimore, Md.; Allentown and Philadelphia, Pa., and Washington, D.C., including points in the commercial zones of those cities for 180 days. Supporting shippers: United Packing Co., Post Office Box 16441, Denver, CO 80216 and Litvak Meat Co., Inc., Post Office Box 16303, Denver, CO 80216. Send protests to: Roger L. Buchanan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 123649 (Sub-No. 4 TA), filed December 4, 1972. Applicant: MAGILL TRUCK LINE, INC., 6460 North Broadway, Wichita, KS 67219. Applicant's representative: Gailyn L. Larsen, Post Office Box 80806. Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products* (except commodities in bulk), from plantsite and storage facilities of the National Gypsum Co., at or near Medicine Lodge, Kans., to points in Arkansas, Colorado, Missouri, and Oklahoma, for 180 days. Supporting shipper: Gold Bond Building Products, Division of National Gypsum Co., 325 Delaware Avenue, Buffalo, NY 14202. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 124505 (Sub-No. 13 TA), filed November 28, 1972. Applicant: EUGENE TRIPP, 4624 South Avenue West, Missoula, MT 59801. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter* when moving in the same vehicle, from Tacoma, Wash., to points in California with a return movement of *empty containers* for recycling from points in California to Tacoma, Wash., for 180 days. Supporting shipper: Carling Brewing Co., 610 Lincoln Street, Waltham, MA 02154. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 125035 (Sub-No. 27 TA), filed November 30, 1972. Applicant: RAY E. BROWN TRUCKING, INC., Post Office Box 84, Office: 1266 Stuart Street NW., Massillon, OH 44646. Applicant's representative: Fred H. Zollinger, 800 Cleve-Tusc. Building, Canton, Ohio 44702. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, ice confections and ice water confections* from Worthington, Ohio, to Franklin, Erie, and Pittsburgh, Pa.; Weirton, Wheeling, Elkins, Fairmont, Clarksburg, South Charleston, Saint Albans, and Rockport, W. Va., and from Huntington, Ind., to Worthington, Toledo, and Cleveland, Ohio, for 180 days. Supporting shipper: Sealtest Foods, division of Kraftco Corp., 3740 Carnegie Avenue, Cleveland, OH 44115. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 125940 (Sub-No. 2 TA), filed November 6, 1972. Applicant: M. L. HOLLOWAY, doing business as HOLLOWAY SUPPLY, Post Office 613, Bowdon, GA 30108. Applicant's representative: Monty Schumacher, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to

operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal*, from Mobile, Ala., and Pascagoula, Miss., to Dalton, Ga., for 180 days. Supporting shipper: Georgia Poultry Feed Mills, Inc., Dalton, Ga. 30720. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 126645 (Sub-No. 4 TA), filed November 29, 1972. Applicant: ROSCOE ORWICK and FRANCES ORWICK, doing business as ROSCOE and FRANCES, 163 Kings Highway, Bellemead, Altoona, PA 16602. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream frozen dairy products, fruit juices, sherbet, milk, cottage cheese, and buttermilk*, in vehicles equipped with mechanical refrigeration, from Cumberland and Baltimore, Md., to points in Pennsylvania, for 180 days. Supporting shipper: Sealtest Foods, Division of Kroftco Corp., 2121 Noblestown Road, Pittsburgh, PA 15205. Send protests to: District Supervisor James C. Donaldson, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, Pa. 15222.

No. MC 128343 (Sub-No. 20 TA), filed December 5, 1972. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire and cable, and related accessory parts*, from Pawtucket and Cranston, R.I., and South Attleboro, Mass., to points in the United States; and (2) *materials, equipment, and supplies*, from points in the United States to Pawtucket and Cranston, R.I., and South Attleboro, Mass., for 180 days. Supporting shipper: American Insulated Wire Corp., 36 Freeman Street, Pawtucket, RI 02862. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, RI 02903.

No. MC 128375 (Sub-No. 85 TA), filed November 30, 1972. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, 1444 Main, Crete, NE 68333. Applicant's representative: Ken Adams (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and materials and supplies*, used in the manufacture and production of motor vehicle parts and accessories (except in bulk), between points in Grady County, Okla., on the one hand, and, on the other, points in the United States (except Oklahoma, Hawaii, and Alaska) under continuing contract with the Maremont Corp., for 180 days. Supporting shipper: Edward A. Coxhead, General Traffic Manager, The Maremont Corp., 168 North Michigan Avenue, Chicago, IL 60601. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 128383 (Sub-No. 23 TA), filed December 1, 1972. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk) between John F. Kennedy International Airport, New York, N.Y., and Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Logan International Airport, Boston, Mass., restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. NOTE: Applicant states it does intend to tack with the authority in MC-128383 (lead) and Subs 3 and 6. Supported by: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 128383 (Sub-No. 24 TA), filed December 1, 1972. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, and commodities the transportation of which, because of size and weight, require the use of special equipment), having a prior or subsequent movement by air, between John F. Kennedy International Airport, New York, N.Y., Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Miami International Airport, at or near Miami, Fla., Atlanta Municipal Airport, at or near Atlanta, Ga., and Douglas Municipal Airport, at or near Charlotte, N.C., for 180 days. Supporting shippers: Pan American World Airways, Pan Am Building, New York, N.Y. 10017; Pan American World Airways, 1617 John F. Kennedy Boulevard, Philadelphia, PA 19103; Satin Air Freight, Inc., 145-30 157th Street, Jamaica, NY 11434; Allen Forwarding Co., Mall Building, Philadelphia, Pa. 19106; ABC Air Freight, 265 West 14th Street, New York, NY 10011; Avianca, 6 West 49th Street, New York, NY; Air France, 1350 Avenue of the Americas, New York, NY 10019; Kintetsu World Express, Inc., Post Office Box 422, John F. Kennedy International Airport, Jamaica, NY 11430. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 128879 (Sub-No. 20 TA), filed November 17, 1972. Applicant: C-B TRUCK LINES, INC., 1401 East Brady, Post Office Box 1774, Clovis, NM 88101. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, other than liquid, from plantsites, minesites, and warehouse facilities of United Salt Corp., Carlsbad Division, in Eddy County, N. Mex., to points in that part of Texas on, west, and north of a line beginning at the Texas-Oklahoma State line and extending south along U.S. Highway 281 to San Antonio, Tex., thence southward along U.S. Highway 81 to the boundary between the United States and Mexico at Laredo, Tex., for 180 days. Supporting shipper: United Salt Corp., Post Office Drawer SS, Carlsbad, NM 88220. Send protests to: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 128902 (Sub-No. 6 TA), filed November 10, 1972. Applicant: SCHOENEGGE, INC., Box 525, Route 20, East, Norwalk, OH 44859. Applicant's representative: Dolores Schoenegge (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Truck cab assemblies*, from the plantsite of Sheller-Globe Corp., Norwalk Assembly Division, Norwalk, Ohio, to Philadelphia, Pa. Under contract with Sheller-Globe Corp., Norwalk Assembly, Division of Norwalk, Ohio, for 180 days. Supporting shipper: Sheller-Globe Corp., Norwalk Assembly Division, Post Office Box 548, Norwalk, Ohio 44857. Send Protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 128944 (Sub-No. 13 TA), filed November 9, 1972. Applicant: RELIABLE TRUCK LINES, INC., 402 Maplewood Avenue, Nashville, TN 37210. Applicant's representative: James Clarence Evans, 18th Floor, Third National Bank Building, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, dangerous explosives and commodities requiring special equipment), (1) between Atlanta, Ga., and Tupelo, Miss., over the following routes: from Atlanta over Interstate Highway 20 to Birmingham, Ala., thence

over U.S. Highway 78 to Tupelo and return over the same route (using U.S. Highway 78 as needed until Interstate Highway 20 is completed), serving (a) all points within a 15-mile radius of Atlanta as off-route points, or in the alternative, serving an area within approximately 15 miles of Atlanta, as off-route points, to wit: All points lying on and within the area embraced by a line beginning at Dallas, Ga., and the junction of Georgia Highway Spur and U.S. Highway 278 thence over Georgia Highway 92 Spur and Georgia Highway 92 in a southerly direction to junction Georgia Highway 54 at or near Fayetteville, Ga., thence over Georgia Highway 54 to junction Georgia Highway 138 at or near Jonesboro, Ga., thence over Georgia Highway 138 to junction Georgia Highway 81 at or near Walnut Grove, Ga., thence over Georgia Highway 81 to junction Georgia Highway 20 near Loganville, Ga., thence over Georgia Highway 120 to Alpharetta, Ga., thence over an unnumbered highway westerly to junction Georgia Highway 92 near Mountain Part, Ga., thence over Georgia Highway 92 to junction Georgia Highway 92 Spur at or near New Hope, Ga., thence over Georgia Highway 92 Spur to the point of beginning, restricted against the transportation of traffic between Atlanta, on the one hand, and, on the other, the off-route points about Atlanta named herein, which is either originated, terminated or interlined at Atlanta; (b) All points in the following Mississippi counties as off-route points: Alcorn, Chickasaw, Choctaw, Clay, Itawamba, Lowndes, Moxubee, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, Union, Webster, and Winston; restricted at all intermediate points between Atlanta and Birmingham (but not Birmingham) and restricted against handling at Atlanta any traffic originating at, or destined to, or to be interchanged at Birmingham; and further restricted at all intermediate points between Birmingham and the Mississippi State line, except serving Guin, Ala., for purpose of joinder only;

(2) Between Guin, Ala., and Tupelo, Miss., over the following described route; from Guin over U.S. Highway 278 to its intersection with U.S. Highway 45A, thence over U.S. Highway 45A to Tupelo and return over the same route serving Guin for joinder only and with no service at any other intermediate points in Alabama; (3) between Birmingham, Ala., and all points within 15 miles thereof, and Tupelo, Miss., over the following route; from Birmingham, over Interstate Highway 20 to Tuscaloosa, Ala., thence over U.S. Highway 82 to Columbus, Miss., thence over U.S. Highway 45 to Tupelo and return over the same route, serving no intermediate points in Alabama, but serving all points in the following Mississippi counties as off-route points: Alcorn, Chickasaw, Choctaw, Clay, Itawamba, Lowndes, Moxubee, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, Union, Webster, and Winston; and (4) between Tuscumbia, Ala., and Tupelo, Miss., over the following described route: from Tuscumbia over U.S. Highway 72 to intersection Alabama Highway 247, thence over Alabama Highway 247 to intersection Alabama Highway 24, thence over Alabama Highway 24 to Red Bay, Ala., thence over Mississippi Highway 23 to U.S. Highway 78 at Tremont, Miss., thence over U.S. Highway 78 to Tupelo and return over the same route, restricted against service at all intermediate points in Alabama, for 180 days. NOTE: Applicant seeks authority to use above routes and authority by tacking or joinder with each other, and also with all authority of the applicant, and also to interchange with other carriers at all service points. Supported by: There are approximately 121 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 129886 (Sub-No. 8 TA), filed November 27, 1972. Applicant: CALVIN E. SUMMERS, 112 Spruce Street, Elizabethville, PA 17023. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products and frozen foods* in vehicles equipped with mechanical refrigeration from the warehouse of Calvin E. Summers, Elizabethville, Pa., to Carlinsville and Champaign, Ill., for 180 days. Supporting shipper: Servomation Mathias, Inc., 803 Gleneagles Court, Baltimore, MD 21204. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 133000 (Sub-No. 8 TA), filed November 24, 1972. Applicant: DIAMOND SAND & STONE CO., Post Office Box 4667, 744 Riverside Avenue, 33204, Jacksonville, FL 32201. Applicant's representative: Martin Sack, Jr., Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground dolomitic limestone and ground hi-calcium limestone*, in bulk, in dump trailers, from Marianna, Fla., to points in Alabama and Georgia, for 180 days. Supporting shipper: Dixie Lime and Stone Co., Post Office Box 910, Ocala, Fla. 32670. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 133221 (Sub-No. 16 TA), filed November 20, 1972. Applicant: OVERLAND CO., INC., Route No. 1, Box 406A, Lawrenceville, GA 30245. Applicant's representative: Bruce E. Mitchell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stuffed animals and novelties*, from the plantsite of Etone Doll and Toy Co., Inc., at Jersey City, N.J., to points in the United States on and east of U.S. Highway 85, for 90 days. Supporting shipper: Etone Doll and Toy Co., Inc., 112 Bay Street, Jersey City, NJ 07302. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 133268 (Sub-No. 3 TA), filed November 30, 1972. Applicant: LEE'S CARRIER CORP., 4340 Northwest 37th Avenue, Miami, FL 33142. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, FL 33134. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *folded paper boxes and paperboard corrugated boxes and paper products and materials and machinery* used in the manufacture of these products, from points in Dade County, Fla., Montgomery, Ala., Landrum, S.C., Philadelphia, Pa., Baltimore, Md., Severn, Md., New Haven, Conn., Richfield, N.J., to points in those states lying east of the Mississippi River plus California, Arkansas and Missouri (except the States of Maine, Vermont, New Hampshire, and the cities of Pascagoula, Miss., Baton Rouge, Bogalusa and New Orleans, La.), for 180 days. Supporting shipper: Simkins Industries, Inc., Simkins Road, Miami, Fla. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 133529 (Sub-No. 7 TA), filed December 4, 1972. Applicant: PIEDMONT PETROLEUM PRODUCTS, INCORPORATED, Post Office Box 7574, Chesapeake, VA 23324. Applicant's representative: W. W. Ford (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Chesapeake, Va., to Washington, D.C., New York, N.Y., points in Virginia, Maryland, Delaware, those in that part of Pennsylvania on and east of U.S. Highway 11, those in that part of New Jersey on and within 15 miles west of U.S. Highway 1, and those in that part of New Jersey east of U.S. Highway 1, for 180 days. Supporting shipper: Evans Products Co., 201 Dexter Street, West, Chesapeake, VA 23324. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 133796 (Sub-No. 11 TA), filed December 1, 1972. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, PA 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, supplies, and accessories*, from Milford (Pike County), Pa., to Garden and Stockton, Calif.; Chicago, Elk Grove, and Alsip, Ill.; Indianapolis, Ind.; Kansas City, Mo.; Dallas and Houston, Tex.; Forest Park and Atlanta, Ga.; Miami, Fla.; Memphis, Tenn.; Seattle, Wash., and Portland, Oreg., for 150 days. Supporting shippers: Sparkomatic Corp., Milford, Pa. 18337. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133997 (Sub-No. 17 TA), filed November 27, 1972. Applicant: GENE'S INC., 10115 Brookville Sale Road, Clayton, OH 45315. Applicant's representative: Gene Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and pesticides*, in bags, between Wadsworth, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, and Michigan, for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 111 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 134323 (Sub-No. 35 TA), filed November 13, 1972. Applicant: JAY LINES, INC., 720 North Grand Street, Post Office Box 4146, 79105, Amarillo, TX 79107. Applicant's representative: Clayton J. Logan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioners and parts and components thereof*, except those which because of size or weight require the use of special equipment, from the plantsite of Fedders Corp. at Buffalo, N.Y., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shipper: Robert C. McArthur, general traffic manager, Fedders Corp., Edison, N.J. 08817. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134477 (Sub-No. 25 TA), filed November 10, 1972. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen from Duluth, Minn., to Baltimore and Landover, Md., Woodbridge, N.J.; New York and Syracuse, N.Y., and Philadelphia, Pa., for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Avenue South, Duluth, MN 55801. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. 134806 (Sub-No. 10 TA), filed November 27, 1972. Applicant: B-D-R TRANSPORT, INC., Post Office Box 813, Brattleboro, VT 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear*, from Boston, Mass., to Reno, Nev., for 180 days. Supporting shipper: The Stride Rite Corp., 960 Harrison Avenue, Boston, MA 02118. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 135067 (Sub-No. 4 TA), filed December 1, 1972. Applicant: HANS L. SANDBERG, doing business as SANDBERG TRUCKING COMPANY, 405 South McCoy Street, Granville, IL 61326. Applicant's representative: Hans L. Sandberg (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, and related advertising materials, from Newport, Ky., Evansville, Ind., Minneapolis-St. Paul, Minn., Sheboygan and LaCrosse, Wis., to Freeport, Peru, and Rockford, Ill., for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with the following shippers, Lassandro Distributing Co.; De Fay & Son Beverage Co., and Rutgens Distributors, Inc. Supporting shippers: David Rutgens, Rutgens Distributing, Inc., 1809 Water Street, Peru, IL; Frank Lassandro, Lassandro Distributing Co., 22–24 East Spring Street, Freeport, IL; John De Fay, De Fay & Son Beverage Co., 1112 Rock Street, Rockford, IL. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 136211 (Sub-No. 6 TA), filed November 20, 1972. Applicant: MERCHANT'S HOME DELIVERY SERVICE, INC., Post Office Box 5067, Oxnard, CA 93030. Applicant's representative: Joseph E. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* crated and uncrated, (1) from the warehouse and shipping facilities of Levitz Furniture Corporation at Whitehall, near Allentown, Lehigh County, Pa., to points in New Jersey, on and south of New Jersey Highway 94 commencing at the State line of New Jersey and Pennsylvania to the junction of said New Jersey Highway 94 and New Jersey Highway 521, thence on and west of said New Jersey Highway 521 to junction of New Jersey Highways 521 and 519, thence on and west of New Jersey Highway 519 to junction of U.S. Highway 46, thence on and south of U.S. Highway 46 to junction U.S. Highway 46 and New Jersey Highway 24, thence on and west of New Jersey Highway 24 to junction of New Jersey Highways 24 and 513, thence on and west of New Jersey Highway 513 to junction said New Jersey Highway 513 and New Jersey Highway 31, thence on and west of New Jersey Highway 31 to junction of said New Jersey Highway 31 and New Jersey Highway 202, thence on and west of New Jersey Highway 202 to the New Jersey-Pennsylvania State line. Return movement over irregular routes of the same commodity from the same territory in the State of New Jersey to the warehouse and shipping facilities of Levitz Furniture Corp. at Whitehall, Pa.; (2) from the warehouse and shipping facilities of Levitz Furniture Corp. at Langhorne, Pa., to that portion of the State of New Jersey described as follows: Points in New Jersey on and south and east of U.S. Highway 202 commencing at the New Jersey-Pennsylvania State line to the junction of said U.S. Highway 202 and New Jersey Highway 567, to points on, north and west of New Jersey Highway 567 to its junction of New Jersey Highway 514, thence on and south of said New Jersey Highway 514 to junction U.S. Highway 206, thence on and west of said U.S. Highway 206 to its junction of New Jersey Highway 92 (proposed), thence on and south and west of New Jersey Highway 92 to the New Jersey Turnpike, thence on and west of the New Jersey Highway Turnpike to the junction of U.S. Highway 206, thence on and west of New Jersey Highway 206 to the junction of New Jersey Highway 38, thence on and north of New Jersey Highway 38 to the New Jersey Turnpike, thence on and west of the New Jersey Highway Turnpike to New Jersey Highway 73, thence on and north of New Jersey Highway 73 to the New Jersey-Pennsylvania State line. Return movement over irregular routes of the same commodity from the same territory in the State of New Jersey to the warehouse and shipping facilities of Levitz Furniture Corp. at Langhorne, Pa., and

(3) From the warehouse and shipping facilities of Levitz Furniture Corp. at Cherry Hill, N.J., to that portion of the State of Pennsylvania beginning at the New Jersey-Pennsylvania State line, thence on and south of Pennsylvania Highway 1 to the Pennsylvania Turnpike, thence on and south of the Pennsylvania Turnpike to Pennsylvania Turnpike to Pennsylvania Highway 309, thence on and east of Pennsylvania 309 to the Philadelphia, Pa., city limits at Cheltenham Ave., thence on and south of Cheltenham Ave., to Philadelphia, Pa., city limits at Ivy Land Road, thence on and east of the said Ivy Land Road to Stenton Ave., thence on and south of Stenton along the Philadelphia, Pa., city limits to Northwestern Avenue, thence on and east of Northwestern Avenue (the Philadelphia, Pa., city limits) to Schuylkill Expressway I–76, thence on and north and east of said Schuylkill Expressway (I–76) to Pennsylvania Route No. 1 (City Line Avenue), thence on and south and

east of said Pennsylvania Route No. 1 to Pennsylvania Route No. 3 (West Chester Pike), thence along said Pennsylvania Highway 3 to the Philadelphia, Pa., city limits at Cobbs Creek Parkway, thence on and east of said Cobbs Creek Parkway to the Pennsylvania-New Jersey State line. Return movement over irregular routes of the same commodity from the same territory in the State of New Jersey to the warehouse and shipping facilities of Levitz Furniture Corp. at Cherry Hill, N.J., for 180 days. Supporting shipper: Levitz Furniture Co., Pottstown, Pa. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136753 (Sub-No. 1 TA), November 7, 1972. Applicant: EASTERN WASHINGTON DISTRIBUTING CO., INC., 1208 North First Avenue, Yakima, WA 98901. Applicant's representative: Philip G. Skofstad, 4410 Northeast Fremont Street, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine* from Chicago, Ill., and its commercial area to points in the State of Washington and *spoiled or refused shipments* from points in Washington to Chicago, Ill., and its commercial area, for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136913 (Sub-No. 2 TA), filed November 21, 1972. Applicant: FRED SNIDER, doing business as SUNDOWN LUMBER EXPRESS, Post Office Box 8493, Stockton, CA 95204. Applicant's representative: Irene Warr, Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, from points in California to points in Arizona, Colorado, New Mexico, and Utah, for 180 days. Supporting shipper: Sundown Timber Co., Post Office Box 8493, Stockton, CA 95204. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 138127 (Sub-No. 1 TA), filed November 13, 1972. Applicant: TRONAGUN CORPORATION, Route 4, Tunnelton, W. Va. 26444. Applicant's representative: Wm. P. Jackson, Jr., 919, 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, in bulk, in dump vehicles*, from the facilities of Marine Terminal Co., in Marion County, W. Va., to points in Garrett County, Md., for 180 days. Supporting shipper: Marine Terminal Co., Fairmont, W. Va. 26554. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 138138 (Sub-No. 1 TA), filed November 6, 1972. Applicant: NATHAN INMAN, doing business as NATE'S TRUCKING, 1800 Brier Road, Turlock, CA 95380. Applicant's representative: J. Wilmar Jensen, Post Office Box 1726, Modesto, CA 95354. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers, container ends* from Manteca, Calif., to points in Nevada, for 180 days. Supporting shipper: Lear Siegler, Inc./Cuckler Division, Lifestyle Homes, 211 Oak Street, Manteca, CA. Send protests to: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 138177 (Sub-No. 1 TA), filed November 27, 1972. Applicant: BROWN TRUCKING, INC., 3109 Clearbrook, Memphis, TN 38118. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel* from points in Cross County, Ark., to points in Shelby County, Tenn., for 180 days. Supporting shipper: Valley Aggregate Corp., Box 428, Wynne, Ark. 72396. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 138179 TA, filed November 14, 1972. Applicant: PEFFLEY & HINSHAW WRECKER SERVICE, INC., 2898 South Third Street, Terre Haute, IN 47802. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and replacement vehicles*, between points in Vigo County, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Ohio, Michigan, Missouri, Wisconsin, Pennsylvania, and New York, for 180 days. Supporting shippers: Ryder Truck Lines, Terre Haute, Ind.; Lovelace Truck Service, Inc., Terre Haute, Ind.; Gibco Motor Express, Inc., Terre Haute, Ind., and Branch Motor Express, Terre Haute, Ind. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 138207 TA filed November 22, 1972. Applicant: J. E. AUSTIN, doing business as AUSTIN MOVING & STORAGE COMPANY, 615 Poinsett Highway, Greenville, SC 29609. Applicant's representative: J. E. Austin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies*, including tools used in the construction and maintenance of telephone system and communication between Greenville, S.C., and points in the counties of Abbeville, Anderson, Greenville, Greenwood, Oconee, and Pickens, S.C., for 180 days. Supporting shipper: Western Electric, 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 138208 TA filed November 20, 1972. Applicant: BLUE ARROW TRUCKING, INC., 2360 West Marine Drive, North Portland, OR 97043. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers or cargo vans, and *empty cargo containers or cargo vans*, between points in Oregon and Washington and Idaho, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 138209 TA, November 3, 1972. Applicant: GARLAND H. GLAZE, doing business as GLAZE TRANSFER, 420 Maple Street SW., Gainesville, GA 30501. Applicant's representative: G. H. Glaze (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies*, including tools used in the construction and maintenance of telephone systems and communication between Gainesville, Ga., and points in the counties of Banks, Barrow, Clarke, Dawson, Elbert, Forsyth, Franklin, Oconee, Oglethorpe, Pickens, Rabun, Stephens, Towns, Union, Greene, Habersham, Hall, Hart, Jackson, Lumpkin, Madison, and White, Ga., for 180 days. Supporting shipper: Western Electric, 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: William L. Scroggs, District Supervisor, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 138210 TA, filed November 20, 1972. Applicant: LINE HALL TRANSFER, INC., 75 West Emerson Avenue, Rahway, NJ 07065. Applicant's representative: George A. Olsen, 69 Tonnele

Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in by department stores and *supplies and equipment* used in the conduct of such business, for the account of Buckeye Mart, between Jersey City, N.J., on the one hand, and, on the other, Columbus, Ohio, for 180 days. Supporting shipper: Buckeye Mart, 3636 Indianola Avenue, Columbus, Ohio 43214. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138211 TA filed November 20, 1972. Applicant: PENDLETON CONSTRUCTION CORPORATION, Post Office Box 549, Main Street, Wytheville, VA 24382. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk salt* (for ice control on highways, etc.), in dump vehicles, from Wytheville, Va., to points on and west of U.S. Route 220 in Virginia, points on and north of U.S. Route 64 in North Carolina and points in McDowell and Mercer Counties, W. Va., for 180 days. Supporting shipper: Morton Salt Co., Main Street, Wadsworth, Ohio 44281. Send protests to: C. M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 138214 TA, filed November 27, 1972. Applicant: LEWIS TRANSFER & STORAGE CO., INC., 215 Drexel Street, Hot Springs, AR 71901. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects*, between points in Garland, Hot Spring and Saline Counties, Ark., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, crating, and decontainerization of such traffic, in interstate or foreign commerce, for 180 days. Supporting shipper: Department of the Air Force, 314th Transportation Squadron (TAC), Little Rock Air Force Base, Jacksonville, AR 72076. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 21519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 138220 TA, filed November 28, 1972. Applicant: ERNEST GRUNSTAD, Post Office Box 172, Skamokawa, WA 98647. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Morton, Randle, and Packwood, Wash., to Portland and Oregon City, Oreg., for 180 days. Supporting shipper: Dewey Duff, Box 585, Kelso, Wash. 98626. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine, Portland, OR 97204.

No. MC 138221 TA, filed November 29, 1972. Applicant: ORBIT STULL, Rural Route No. 1, Fairfield, Ill. 62837. Applicant's representative: Robert T. Lawley, 300 Reisch Building, 4 West Old State Capitol Plaza, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished lumber*, for the account of E. S. Gulliams, Fairfield, Ill., from Fairfield, Ill., to points in Jasper, Lake and Vigo Counties, Ind., for 180 days. Supporting shipper: E. S. Gulliams, Rural Route No. 3, Fairfield, Ill. 62837. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 138222 TA, filed November 28, 1972. Applicant: T. RAFFAELE TRUCKING CORP., 1535A Kennelworth Place, Bronx, NY 10465. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, including foodstuffs in vehicles equipped with mechanical refrigeration, except in bulk, from Port Newark and Port Elizabeth, N.J., to shipper's warehouse at Carlstadt, N.J., under continuing contract or contracts with Richter Brothers, Inc. Restriction: Restricted to transportation of shipments having a prior movement by water, for 180 days. Supporting shipper: Richter Brothers, Inc., 30–40 North Moore Street, New York, NY 10013. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 138223 TA, filed December 1, 1972. Applicant: LINE HALL TRANSFER, INC., 75 West Emerson Avenue, Rahway, NJ 07065. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in by department stores and *supplies and equipment* used in the conduct of such business, for the account of Schottenstein's, between Jersey City, N.J., and New York, N.Y., on the one hand, and, on the other, Columbus, Ohio, under contract with Schottenstein's, Columbus, Ohio, for 180 days. Supporting shipper: Schottenstein's, 3251 Westerville Road, Columbus, OH 43224. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138224 TA, filed December 1, 1972. Applicant: BIG MOUNTAIN TRANSPORTATION, INC., 3945 Northeast Mallory Avenue, Portland, OR 97212. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *TOFC semi-trailers loaded with telephone switchboard parts and telephone materials and supplies and empty TOFC semi-trailers*, between points in Vancouver, Wash., and Portland, Oreg., for 180 days. Supporting shipper: Western Electric, 3000 Lewis & Clark Highway, Vancouver, WA 98661. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 139219 TA, filed December 1, 1972. Applicant: DELWOOD FURNITURE COMPANY, INC., Expressway Tower, 10th Floor, Dallas, Tex. 75206. Applicant's representative: H. Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baby seats, strollers, swings, cellulose sheets, children's carts, and vehicles, including parts thereof, games, new infant furniture*, crated and uncrated, *and toys*, from Compton, Calif., to points in New York, New Jersey, North Carolina, South Carolina, Georgia, Alabama, Florida, Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, Ohio, and Tennessee, under continuing contract with Strolee of California, a Division of U.S. Industries, Inc.; (2) *plastic films, sheets, and bags*, from Minneapolis, Minn., to points in North Carolina, South Carolina, Tennessee, Kentucky, Indiana, Georgia, and Virginia, under continuing contract with Poly-Tech, a Division of U.S. Industries, Inc.; and (3) *wood doors*, from Miami, Fla., to points in Georgia, South Carolina, and North Carolina, under continuing contract with Mims & Thomas, a Division of U.S. Industries, Inc., for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shippers: Strolee of California, a Division of U.S. Industries, Inc.; Poly-Tech, a Division of U.S. Industries, Inc.; Mims & Thomas, a Division of U.S. Industries, Inc., 250 Park Avenue, New York, NY 10017. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-21617 Filed 12-14-72;8:50 am]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

Page

PROCLAMATIONS:
4173 ... 26387
4174 ... 26389

EXECUTIVE ORDERS:
August 18, 1904 (revoked in part by PLO 5319) ... 26421
July 2, 1910 (revoked in part by PLO 5313) ... 26420
September 30, 1916 (revoked in part by PLO 5310) ... 26419
March 31, 1920 (revoked in part by PLO 5313) ... 26420
November 22, 1924 (revoked in part by PLO 5315) ... 26420
8647 (modified by PLO) 5312) ... 26420
11399 (amended by EO 11688) ... 25815
11551 (see EO 11688) ... 25815
11688 ... 25815
11689 ... 25987

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of October 19, 1972 ... 26571
Memorandum of December 5, 1972 ... 26573

4 CFR

Ch. I ... 26707
33 ... 26291
34 ... 26291
91 ... 26095
92 ... 26096
93 ... 26097
331 ... 26097
400 ... 26680
403 ... 26680

PROPOSED RULES:
331 ... 26127

5 CFR

213 ... 26393, 26575
315 ... 26575
511 ... 25699
534 ... 25699
550 ... 26098
713 ... 25699
1301 ... 26575

6 CFR

102 ... 26417
300 ... 26098, 26707
305 ... 25699
Rulings ... 25913, 26011, 26099, 26292, 26577, 26708

7 CFR

51 ... 26417
58 ... 25989, 25992
215 ... 25496
319 ... 25995
331 ... 25995
354 ... 25913
401 ... 25497, 25498, 25700, 25817
701 ... 25996
722 ... 26720
725 ... 25700
729 ... 25702

7 CFR—Continued

Page

873 ... 25997
905 ... 25916, 26418
906 ... 25498, 25817
907 ... 25702, 26000, 26292, 26577
910 ... 25703, 25818, 26292, 26418
912 ... 25498
915 ... 26729
971 ... 26730
1040 ... 26730
1046 ... 26730
1121 ... 26731
1434 ... 26000
1464 ... 26293
1806 ... 25499

PROPOSED RULES:
6 ... 26119
58 ... 26318
726 ... 26617
891 ... 26038
905 ... 25849, 26736
907 ... 26115
909 ... 25939, 26318
913 ... 26428
916 ... 25940
932 ... 26115
959 ... 25723
967 ... 25528
993 ... 26428
1002 ... 26116
1032 ... 25940
1040 ... 26318
1043 ... 26318
1049 ... 26688
1050 ... 25940
1062 ... 25940
1064 ... 25940
1065 ... 25940
1076 ... 25528
1121 ... 25725, 26736
1133 ... 26016

9 CFR

2 ... 26511
72 ... 25703
76 ... 25917, 26000, 26099, 26293, 26391, 26578
82 ... 25704, 26578
83 ... 26511
400 ... 26392

PROPOSED RULES:
112 ... 26116
307 ... 26429
381 ... 26429

10 CFR

12 ... 25918, 26734

PROPOSED RULES:
25 ... 26345

12 CFR

11 ... 25818
221 ... 26315
226 ... 25485
250 ... 25486
545 ... 26315, 26392
561 ... 26315
563 ... 26315, 26579
571 ... 26579
749 ... 26734

12 CFR—Continued

Page

PROPOSED RULES:
220 ... 25547, 25548
225 ... 26534
545 ... 26437
582 ... 26438
582a ... 26438

13 CFR

120 ... 26708
122 ... 26709
123 ... 26709
301 ... 26100

14 CFR

39 ... 25486, 25818, 25819, 26001, 26100, 26293, 26512
47 ... 25486
49 ... 25486
71 ... 25487–25489, 25820, 26002, 26101, 26102, 26294, 26512, 26513, 26709
73 ... 25820, 26102
75 ... 25820, 26003, 26709
95 ... 26513
97 ... 26003, 26581
107 ... 25934
311 ... 26582

PROPOSED RULES:
39 ... 25529, 26046
71 ... 25529–25532, 25854, 25855, 26125, 26341–26343, 26531–26533, 26737–26739
73 ... 25532, 26064, 26343
75 ... 25531, 25855, 25956, 26126
91 ... 25532
93 ... 26344
207 ... 25958
208 ... 25958
212 ... 25958
214 ... 25958

15 CFR

372 ... 26710
373 ... 26710
375 ... 26710
379 ... 26710
385 ... 25704

16 CFR

13 ... 25489, 25490, 25493–25496, 25704, 26103, 26515, 26584

PROPOSED RULES:
255 ... 25548

17 CFR

200 ... 26004, 26585
211 ... 26516
231 ... 26516
240 ... 26294
241 ... 26516
251 ... 26516

PROPOSED RULES:
230 ... 26137
239 ... 26137
270 ... 26740

18 CFR

Page

41 ... 26005
141 ... 25499, 26006
158 ... 26006
260 ... 25499, 26006

PROPOSED RULES:

1 ... 25730
101 ... 25730
104 ... 25730
141 ... 25730
201 ... 25730
204 ... 25730
260 ... 25730

19 CFR

153 ... 26298
206 ... 26306

20 CFR

501 ... 26710
609 ... 25704
614 ... 25704
715 ... 26711

21 CFR

121 ... 25705, 26006, 26307
130 ... 26790
131 ... 26307
135 ... 26307
135b ... 25708
135e ... 26307
144 ... 26307
146a ... 25708
148i ... 25820

PROPOSED RULES:

3 ... 26618
10 ... 26340
130 ... 26431
132 ... 26431
191 ... 25849, 26120

22 CFR

201 ... 26516

24 CFR

200 ... 26308
275 ... 26711
556 ... 26415
1914 ... 25710, 26416
1915 ... 25711, 26416

PROPOSED RULES:

201 ... 26620

26 CFR

1 ... 25927, 26711
12 ... 26007
301 ... 25927

PROPOSED RULES:

1 ... 25847, 25936, 25938, 26014

28 CFR

0 ... 25916

29 CFR

1 ... 25927, 26711
70 ... 26732
1901 ... 26008
1902 ... 25711
1910 ... 26008
1926 ... 25712
1952 ... 25929, 25932

PROPOSED RULES:

2 ... 26430

30 CFR

Page

74 ... 26712
82 ... 26308
505 ... 25825

PROPOSED RULES:

55 ... 26378
56 ... 26378
57 ... 26379
75 ... 26422

31 CFR

103 ... 26517
128 ... 26310

32 CFR

40 ... 26713
591 ... 25920
592 ... 25923
593 ... 25923
594 ... 25923
595 ... 25926
596 ... 25926
597 ... 25926
600 ... 25926
601 ... 25927
602 ... 25927
603 ... 25927
701 ... 26585
858 ... 26008
881 ... 26713
882 ... 26103
888d ... 26108
1600 ... 26592
1608 ... 25714
1612 ... 25714
1613 ... 25714
1617 ... 25714
1621 ... 25715
1623 ... 25715
1624 ... 25715
1626 ... 25715, 26592
1627 ... 25715
1628 ... 26592
1631 ... 26592
1641 ... 25716
1655 ... 25716
1660 ... 26593

32A CFR

PROPOSED RULES:

Ch. X:

OI Reg. 1 ... 25722, 26016, 26713

33 CFR

1 ... 26109
62 ... 25708
110 ... 25500
117 ... 25708, 25709, 26518
207 ... 26419

PROPOSED RULES:

110 ... 25854, 25956, 26436

35 CFR

60 ... 25504

36 CFR

200 ... 25821

39 CFR

122 ... 26008
222 ... 26008

40 CFR

35 ... 26282
51 ... 26310

40 CFR—Continued

Page

180 ... 25508, 25509, 25716, 26009, 26109, 26519

PROPOSED RULES:

87 ... 26488, 26502
126 ... 25898

41 CFR

1-12 ... 26714
4-1 ... 26718
9-5 ... 26312
14-55 ... 25509
14R-9 ... 25822
15-16 ... 25510
101-11 ... 26313
105-62 ... 25823

PROPOSED RULES:

8-7 ... 26439
14-55 ... 25526
15-16 ... 25536

42 CFR

59 ... 26593

43 CFR

2 ... 26594
4 ... 25717

PUBLIC LAND ORDERS:

559 (see PLO 5312) ... 26420
1120 (revised in part by PLO 5308) ... 25826
1391 (see PLO 5306) ... 25826
2126 (revised in part by PLO 5306) ... 25826
4417 (see PLO 5312) ... 26420
4703 (see PLO 5312) ... 26420
5173 (amended by PLO 5321) ... 26595
5179 (see PLO 5321) ... 26595
5180 (amended by PLO 5321) ... 26595
5208 (corrected by PLO 5317) ... 26421
5304 ... 25825
5305 ... 25826
5306 ... 25826
5307 ... 25826
5308 ... 25826
5309 ... 26419
5310 ... 26419
5311 ... 26419
5312 ... 26420
5313 ... 26420
5314 ... 26420
5315 ... 26420
5316 ... 26421
5317 ... 26421
5318 ... 26421
5319 ... 26421
5320 ... 26519
5321 ... 26595

PROPOSED RULES:

18 ... 26424
5400 ... 26114
5441 ... 26114
5442 ... 26114
5450 ... 26114
5451 ... 26114
5461 ... 26114
5463 ... 26114

45 CFR

5a ... 26596
130 ... 25827
206 ... 26600
601 ... 26718
1060 ... 26109

45 CFR—Continued

Page

PROPOSED RULES:

15 ... 26523
170 ... 25736
185 ... 25746
201 ... 25853
206 ... 25853

46 CFR

66 ... 26600
146 ... 25521, 26520, 26521
161 ... 25835
177 ... 26110
294 ... 26601
309 ... 25836
503 ... 26521
549 ... 25717

PROPOSED RULES:

10 ... 26124, 26620
12 ... 26124
146 ... 25957, 26530
187 ... 26124
Ch. IV ... 26534
505 ... 25856
547 ... 26137

47 CFR

1 ... 26601
15 ... 26601
21 ... 26732
23 ... 26732

47 CFR—Continued

Page

25 ... 26732
73 ... 25519, 25940, 26732
74 ... 25843, 26732
76 ... 25844
78 ... 25845, 26732
81 ... 25520, 26314
83 ... 25520, 26314
87 ... 26111, 26732
89 ... 26732
91 ... 26732
93 ... 26732

PROPOSED RULES:

1 ... 25729
2 ... 25546, 26128, 26347
21 ... 26128
43 ... 26128
61 ... 26128
73 ... 26134, 26135, 26740
74 ... 26128
81 ... 26136
83 ... 26136
87 ... 26136, 26347
89 ... 25546

49 CFR

1 ... 26010
391 ... 26112
392 ... 26112
393 ... 26112
394 ... 26113

49 CFR—Continued

Page

395 ... 26113
396 ... 26113
571 ... 25521, 26605
574 ... 25521
575 ... 26607
1201 ... 25845, 25919, 26732
1202 ... 25919
1204 ... 25919
1205 ... 25919
1206 ... 25845, 25919
1207 ... 25919
1208 ... 25919
1209 ... 25919
1210 ... 25919

PROPOSED RULES:

192 ... 26126
555 ... 25533
571 ... 25535, 25958, 26739
580 ... 25727
1102 ... 26609

50 CFR

28 ... 26608
32 ... 26010
33 ... 26010, 26734

PROPOSED RULES:

18 ... 25524
216 ... 25731

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	*Date*	*Pages*	*Date*
25479–25691	Dec. 1	26285–26380	Dec. 9
25693–25808	2	26381–26503	12
25809–25906	5	26505–26563	13
25907–25980	6	26565–26700	14
25981–26088	7	26701–26807	15
26089–26283	8		

federal register

FRIDAY, DECEMBER 15, 1972

Volume 37 ■ Number 242

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions

Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 F.R. 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 F.R. 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

SET FORTH BELOW IN THIS DOCUMENT ARE THE FOLLOWING:

New Area Wage Determination Decision No. AP–369 for the State of Texas.

Modifications to Area Wage Determination Decisions for specified localities in the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Florida:	
AP–123; AP–124; AP–125; AP–126; AP–127; AP–128.	Nov. 17, 1972.
Illinois:	
AP–16	Sept. 23, 1972.
Kentucky:	
AP–141	Dec. 1, 1972.
Louisiana:	
AP–351	Sept. 29, 1972.
AP–362; AP–363	Dec. 1, 1972.
Montana:	
AP–229; AP–230	Sept. 1, 1972.
AP–237; AP–239; AP–241	Sept. 22, 1972.
Oklahoma:	
AP–360	Nov. 17, 1972.
Texas:	
AP–342; AP–344; AP–345	Sept. 29, 1972.
AP–353; AP–354; AP–355	Nov. 3, 1972.
West Virginia:	
AM–9,690	Mar. 24, 1972.

Supersedeas Decisions to Area Wage Determination Decisions for specified localities in the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; the Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

New York:	
AM–1,722 (AP–452)	Aug. 11, 1971.
Texas:	
AP–349 (AP–370)	Sept. 29, 1972.

Signed at Washington, D.C., this 8th day of December 1972.

BEN P. ROBERTSON,
Acting Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Texas

COUNTIES: Cameron, Hidalgo, Starr and Willacy

DECISION NO.: AP-369

DATE: Date of Publication

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BRICKLAYERS	$5.00					
CARPENTERS:						
Carpenters	4.275					
Piledriverman	4.67					
CEMENT MASONS	3.50					
ELECTRICIANS	5.76		1%		1%	
GLAZIERS	2.75					
LABORERS:						
Common laborers	1.60					
Mason tenders	1.75					
Pipelayers (concrete & clay)	2.00					
PAINTERS, BRUSH	2.60					
PLASTERERS	5.00					
PLUMBERS - PIPEFITTERS	5.90	.15			.05	
ROOFERS:						
Roofers	3.00					
Kettlemen	2.05					
SOFT FLOOR LAYERS	2.00					
TERRAZZO WORKERS	2.50					
TERRAZZO WORKERS' HELPERS	1.83					
TILE SETTERS	2.50					
TILE SETTERS' HELPERS	1.75					
TRUCK DRIVERS	1.93					

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$1.85					
Asphalt Heaterman	2.60					
Asphalt Raker	2.15					
Batterboard Setter	2.70					
Carpenter	3.00					
Carpenter Helper	2.25					
Concrete Finisher (Paving)	2.55					
Concrete Finisher Helper (Paving)	2.50					
Concrete Finisher (Structures)	2.75					
Concrete Finisher Helper (Structures)	2.35					
Electrician	5.50					
Fireman	2.75					
Form Builder (Structures)	3.15					
Form Builder Helper (Structures)	2.50					
Form Setter (Paving and Curb)	3.00					
Form Setter Helper (Paving and Curb)	2.50					
Form Setter (Structures)	3.15					
Form Setter Helper (Structures)	2.05					
Laborer, Common	1.85					
Laborer, Utility Man	2.30					
Mechanic	3.15					
Mechanic Helper	2.50					
Oiler	2.15					
Serviceman	2.35					
Piledriverman	3.35					
Pipelayer	2.50					
Reinforcing Steel Setter (Paving)	2.60					
Reinforcing Steel Setter (Structures)	3.00					
Reinforcing Steel Setter Helper	2.00					
Spreader Box Man	2.60					
Swamper	2.50					
Power Equipment Operators:						
Asphalt Distributor	2.60					
Asphalt Paving Machine	3.00					
Broom or Sweeper Operator	2.25					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.25					
Concrete Paving Curing Machine	3.15					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					

AP-369 P. 3

36 - Texas - 3 g (2 - 2)

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	$3.50					
Front End Loader (2½ C.Y. and Less)	2.55					
Front End Loader (Over 2½ C.Y.)	3.05					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.00					
Roller, Steel Wheel (Plant-Mix Pavements)	2.35					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.35					
Roller, Pneumatic (Self-Propelled)	2.10					
Scrapers (17 C.Y. and Less)	2.75					
Scrapers (Over 17 C.Y.)	3.00					
Tractor (Crawler Type) 150 H.P. and Less	2.35					
Tractor (Crawler Type) over 150 H.P.	2.55					
Tractor (Pneumatic) 80 H.P. and Less	2.25					
Tractor (Pneumatic) over 80 H.P.	2.40					
Traveling Mixer	2.85					
Trenching Machine, Light	2.60					
Truck Drivers:						
Single Axle, Light	1.85					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	1.85					
Welder	3.00					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-123 - Mod. #1 (37 FR 24521 - November 17, 1972) Broward County, Florida.						
Change:						
Bricklayers:						
Bricklayers	$8.40	.38	.35		.03	
Stonemasons	8.40	.38	.35		.03	
Marble setters	8.40	.38	.35		.03	
Terrazzo workers	8.40	.38	.35		.03	
Tile setters	8.40	.38	.35		.03	
Plasterers	8.40	.38	.35		.03	
Cement Masons	8.40	.38	.35		.03	
Block layers	8.40	.38	.35		.03	
Electricians:						
Electricians	8.40	3%	1% + 40	1%	2%	
Cable splicers	8.90	3%	1% + 40	1%	2%	
Ironworkers:						
Structural	8.30	.45	.33		.03	
Ornamental	8.30	.45	.33		.03	
Reinforcing	8.30	.45	.33		.03	
Laborers:						
Laborers	5.70	.45	.30			
Mason tenders	5.70	.45	.30			
Plasterers' tenders	5.88	.45	.30			
Mortar mixers	5.70	.45	.30			
Power tool operators	5.70	.45	.30			
Vibrators	5.70	.45	.30			
Soft Floor Layers	7.60	.45	.30		.02	
Sprinkler Fitters	8.21	.25	.40		.05 + .02	
DECISION #AP-124 - Mod. #1 (37 FR 24524 - November 17, 1972) Monroe County, Florida.						
Change:						
Glaziers	8.20	.30	.20		.01	
Ironworkers, structural & ornamental	8.30	.45	.33		.03	
Ironworkers, reinforcing	8.30	.45	.33		.03	
Painters:						
Brush	7.45	.25	.30		.01	
Steel	7.70	.25	.30		.01	
Spray	7.95	.25	.30		.01	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-125 - Mod. #1 (37 FR 24525 - November 17, 1972) Hillsborough County, Florida.						
Change:						
Asbestos workers	$6.24	.35	.20	.75		
Bricklayers:						
Bricklayers	7.05	.25	.30		.05	
Stonemasons	7.05	.25	.30		.05	
Marble masons	7.05	.25	.30		.05	
Terrazzo workers	7.05	.25	.30		.05	
Tile setters	7.05	.25	.30		.05	
Cement Masons	6.55	.25	.30		.05	
Cement block layers	7.05	.25	.30		.05	
DECISION #AP-126 - Mod. #1 (37 FR 24528 - November 17, 1972) Pinellas County, Florida.						
Change:						
Asbestos workers	$6.24	.25	.20	.75	.02	
Bricklayers	7.05	.25	.30		.05	
Cement masons	6.55	.25	.30		.05	
Marble setters	7.05	.25	.30		.05	
Stonemasons	7.05	.25	.30		.05	
Terrazzo workers	7.05	.25	.30		.05	
Tile setters	7.05	.25	.30		.05	
DECISION #AP-127 - Mod. #1 (37 FR 24531 - November 17, 1972) Dade County, Florida.						
Change:						
Glaziers	$8.20	.30	.20		.01	
Ironworkers:						
Structural & ornamental	8.30	.45	.33		.03	
Reinforcing	8.30	.45	.33		.03	
Laborers:						
Air tool operator	6.05	.45	.30			
Laborers (Common)	5.95	.45	.30			
Mason tenders	6.05	.45	.30			
Plasterers' tenders	6.23	.45	.30		.01	
Mortar mixers	6.05	.45	.30			
Pipelayers	6.05	.45	.30			

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AP-128 - Mod. #1 (37 FR 24535 - November 17, 1972) Brevard and Volusia Counties, Florida (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only).					
Change:					
Asbestos workers	$6.24	.35	.20	.75	.02
Bricklayers:					
Bricklayers	5.81	.20	.20		
Blocklayers	5.81	.20	.20		
Cement masons	5.50	.20			
Masonry cutting or grinding machine	5.81	.20	.20		
Plasterers & manhole bricklayers	5.81	.20	.20		
Terrazzo workers	5.81	.20	.20		
Tile setters	5.81	.20	.20		
Linemen:					
Linemen	7.35	.25	1%		½ of 1%
Cable splicer	7.60	.25	1%		½ of 1%
Cable splicer's helper	7.35	.25	1%		½ of 1%
Class "A" Operators	7.35	.25	1%		½ of 1%
Class "B" Operators	5.44	.25	1%		½ of 1%
Groundman over 1 year	4.04	.25	1%		½ of 1%
Groundman under 1 year	3.38	.25	1%		½ of 1%
Plumbers & Pipefitters	6.80	.25	.35		.05
DECISION #AP-16 - Mod. #1 (37 FR 19994-September 22, 1972) Alexandria, Franklin, Perry Gallantin, Harden, Jackson, Johnson, Massac, Pope, Pulaski, Randolph, Saline, Union & Williamson Counties, Illinois					
Change:					
Carpenters & Piledrivermen:					
Remainder of District #9	$6.26	.25	.25		.02
DECISION #AP-141 - Mod. #1 (37 FR 25690 - December 1, 1972) Boone, Campbell & Kenton, Counties, Kentucky					
Change:					
Ironworkers:					
Structural	8.995	.40	.55		.015
Reinforcing	8.695	.40	.85		.02

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-351 - Mod. #4 (37 FR 20441 - September 29, 1972) Orleans, Jefferson, Plaquemines, and St. Bernard Parishes, Louisiana						
Change:						
Line Construction:						
Linemen	$7.88	.20	1%+.10		.03	
Operator hole digging equipment-men; operator, tractor with winch and derrick; operator line truck with winch and derrick working hot lines	75%JR	.20	1%+.10		.03	
Operator using hole truck and trailer or pole hauling and setting truck (not in energized lines)	65%JR	.20	1%+.10		.03	
Operator using truck without winch	45%JR	.20	1%+.10		.03	
Groundmen (1½ years service or over)	50%JR	.20	1%+.10		.03	
Groundmen (starting rate to 1½ years service)	45%JR	.20	1%+.10		.03	
DECISION #AP-362 - Mod. #1 (37 FR 25636 - December 1, 1972) East Baton Rouge Parish, Louisiana						
Change:						
Sheet metal workers	7.05	.15	.25		.12	
DECISION #AP-363 - Mod. #1 (37 FR 25638 - December 1, 1972) Rapides Parish, Louisiana						
Change:						
Carpenters:						
Millwrights	6.30					
Carpenters	5.55					
Piledrivermen	6.05					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-229 - Mod. #4						
(37 FR 17940 - September 1, 1972)						
Eastern Counties, Montana						
Blaine-Carter-Custer-Daniels-Dawson-Fallon-Garfield-McCone-Petroleum-Phillips-Powder River-Prairie-Richland-Roosevelt-Sheridan-Valley-Wibaux						
Add:						
Electricians:						
Blaine & Phillips Cos.	$6.30		1%		½%	
Carter-Daniels-Dawson-Fallon-McCone-Prairie-Richland-Roosevelt-Sheridan-Valley and Wibaux Counties	6.40		1%		½%	
Custer & Garfield Counties	5.24		1%		½%	
Petroleum County:						
(Electrical Contracts less than $20,000)	5.40		1%		½%	
(Electrical Contracts $20,000 or more)	6.10		1%		½%	
Powder River County	6.80	.20	1%		½%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others1/
DECISION #AP-230 - Mod. #4						
(37 FR 17945 - September 1, 1972)						
Western Counties, Montana						
Beaverhead-Big Horn-Broadwater-Carbon-Cascade-Choteau-Deerlodge-Fergus-Flathead-Gallatin-Glacier-Golden Valley-Granite-Hill-Jefferson-Judith Basin-Lake-Lewis & Clark-Liberty-Lincoln-Madison-Meagher-Mineral-Missoula-Musselshell-Park-Pondera-Powell-Ravalli-Rosebud-Sanders-Silverbow-Stillwater-Sweetgrass-Teton-Toole-Treasure-Wheatland-Yellowstone						
Add:						
Electricians:						
Beaverhead-Jefferson-Madison-Silverbow Counties	$6.65	.30	1%		½%	
Big Horn-Carbon-Golden Valley-Musselshell-Rosebud-Stillwater-Treasure and Yellowstone Cos.	6.80	.20	1%		½%	
Broadwater-Lewis & Clark-Meagher Counties	6.50		1%		½%	
Cascade-Choteau-Glacier-Judith Basin-Pondera-Teton and Toole Counties	7.55	.20	1%		½%	
Deerlodge-Granite and Powell Cos	6.95		1%		½%	
Fergus and Wheatland Counties:						
(Electrical Contracts less than $20,000)	5.40		1%		½%	
(Electrical Contracts $20,000 or more)	6.10		1%		½%	
Flathead-Lake-Mineral-Missoula-Ravalli and Sanders Counties	6.68		1%		½%	
Gallatin County	6.15	.20	1%		½%	
Hill-Liberty and Lincoln Cos.	6.30		1%		½%	
Park & Sweetgrass Counties:						
(Electrical Contracts less than $25,000)	5.55	.20	1%		½%	
(Electrical Contracts over $25,000)	6.80	.20	1%		½%	

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-237 - Mod. #2 (37 FR 19900 - September 22, 1972) Cascade County, Montana						
Change:						
Electricians:						
Electricians	$7.55	.20	1%		½%	
Cable Splicers	7.80	.20	1%		½%	
DECISION #AP-239 - Mod. #3 (37 FR 19909 - September 22, 1972) Flathead and Missoula Counties, Montana						
Change:						
Electricians (Flathead County):						
Electricians	6.68		1%		½%	
Cable Splicers	7.08		1%		½%	
Electricians (Missoula County)	6.68		1%		½%	
DECISION #AP-241 - Mod. #2 (37 FR 19916 - September 22, 1972) Custer and Yellowstone Counties, Montana						
Change:						
Electricians (Custer County)	5.24		1%		½%	

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-360 - Mod. #3 (37 FR 24626 - November 17, 1972) Oklahoma County, Oklahoma						
Change:						
Bricklayers - Stonemasons	$7.37	.40	.35		.05	
Cement masons	6.825					
Elevator constructors' helpers	70%JR	.17	.185	2%+a+b		
Elevator constructors' helpers (prob.)	50%JR					
Line Construction:						
Linemen -	6.86		1%		1/2%	
Cable splicers	7.26		1%		1/2%	
Hole digger operator	6.24		1%		1/2%	
Heavy equipment operator (or pole cats equivalent)	6.24		1%		1/2%	
Line truck driver (winch operator)	5.64		1%		1/2%	
Jackhammer man	5.15		1%		1/2%	
Powderman	6.24		1%		1/2%	
Truck driver (flat bed, ton and half and under)	4.85		1%		1/2%	
Groundmen	4.59		1%		1/2%	
Add:						
Welders - receive rate prescribed for craft performing operation to which welding is incidental						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others/
DECISION #AP-342 - Mod. #6 (37 FR 20485 - September 29, 1972) Nueces County, Texas						
Change:						
Building Construction:						
Carpenters:						
Millwrights	$6.33				1%	
Laborers:						
Common	3.50	.15				
Mason tenders, plasterers tenders concrete & mortar mixers, pipelayers, lathers tenders, finish carpenters, slip form operators, scaffolding waterproofers, cement finishers	3.60	.15				
Paving buster, jackhammer, chipping gun, air tampor, barie tamper, electric vibrator, air/ or gasoline driven vibrators or drills, sump pumps and any and all power driven equipment operated by laborers	3.60	.15				
Gunnite nozzlemen	4.10	.15				
Pipe scrappers & dopers	3.85	.15				
Powderman or blasterer	4.10	.15				
DECISION #AP-344 - Mod. #4 (37 FR 20491 - September 29, 1972) Travis County, Texas						
Change:						
Building Construction:						
Plasterers	7.05	.25			.01	
Plumbers	7.25		.15		.03	
Sheet metal workers	7.05	.25	.25		.05	
Steamfitters	7.25		.15		.03	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AP-345 - Mod. #4 (37 FR 20494 - September 29, 1972) El Paso County, Texas					
Change:					
Building Construction:					
Carpenters:					
Carpenters	$5.40	.30			.02
Millwrights	5.65	.30			.02
Stationary radial arm power saw operator	5.525	.30			.02
Floor layers	5.40	.30			.02
DECISION #AP-353 - Mod. #2 (37 FR 23519 - November 3, 1972) Jefferson and Orange Counties, Texas					
Change:					
Electricians	7.63	.28	1%+.285		1/2%
DECISION #AP-354 - Mod. #2 (37 FR 23521 - November 3, 1972) Jefferson and Orange Counties, Texas					
Change:					
Electricians	7.63	.28	1%+.285		1/2%
DECISION #AP-355 - Mod. #1 (37 FR 23523 - November 3, 1972) Lubbock County, Texas					
Change:					
Building Construction:					
Plumbers - Steamfitters	6.45		.35		.02
DECISION #AM-9,690 - Mod. #4 (37 FR 6140 - March 24, 1972) West Virginia, Statewide					
Omit:					
Heavy Construction:					
All wage rates applicable to Mineral County, West Virginia					

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ALBANY

DECISION NO.: AP-452 DATE: Date of Publication

Supersedes Decision No. AM-1,722, dated August 11, 1971, in 36 FR 14912.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

1-New York-1-2-3-C 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.96	.40	.10			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, cement masons, plasterers, and stonemasons	8.20	.40	.30		.01	
Carpenters & soft floor layers, Building	7.55	.50	.45		.025	
Carpenters, Heavy & Highway	6.72	.50	.45		.025	
Millwrights, Building	8.05	.50	.45		.025	
Cement masons, Heavy & Highway	6.08	.25	.20			
Electricians:						
Cohoes and Watervliet	9.20	.15	1%+.20	g	h	
Remainder of County	9.00	.30	1%+.35	a		
Elevator Constructors:						
Elevator constructors	8.16	.195	.20	1/2%+b	.005	
Elevator constructors' helpers	5.71	.195	.20	1/2%+b	.005	
Elevator constructors' helpers (prob.)	4.08					
Ironworkers, structural, ornamental and reinforcing	7.74	.50	.85		.02	
Laborers, Building:						
West side of Hudson River, extending westerly along the north side of 1st St., Watervliet, to half-mile of Rt., 9 to Shaker Road to Rt., 9 northerly to the N. of the Line of Albany Co.:						
Laborers	6.60	.50	.65			
Pipelayers (2 man team), hod carriers mortar mixers (hand or machine), jackhammer op, well pointing, all air or gas driven tools, vibrators, power driven buggies	6.75	.50	.65			
Asphalt rakers	6.60	.50	.65			
Demolition	6.85	.50	.65			
Form setters (curb)	6.775	.50	.65			
Wagon drill operator	6.825	.50	.65			
Acetylene burners	6.875	.50	.65			
Blasters	7.075	.50	.65			
Remainder of County:						
Laborers	6.65	.50	.65		.02	
Blasters	7.125	.50	.65		.02	
Acetylene burners	6.925	.50	.65		.02	
Wagon drills	6.875	.50	.65		.02	
Form setters (curb)	6.825	.50	.65		.02	
Pipelayers, hod carriers, mortar mixers (hand or machine), jackhammer op., well pointing, air or gas driven tools, power driven buggies, air and gas hammers and drills, electric hammers, 50 lbs. or over and air, gas or electric tampers and vibrators	6.80	.50	.65		.02	
Asphalt rakers	6.75	.50	.65		.02	

1-New York-1-2-3-C 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Demolition	$6.90	.50	.65		.02	
Lathers	7.96	.25	.10		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen, cable splicer helper and material man	9.00	.45	.35	d	½% of 1%	
Cable splicer	9.75	.45	.35	d	½% of 1%	
Groundman digging machine operator	8.80	.45	.35	d	½% of 1%	
Groundman mobile equipment operator	8.30	.45	.35	d	½% of 1%	
Groundman truck driver and mechanic	7.90	.45	.35	d	½% of 1%	
Groundman dynamite man	8.30	.45	.35	d	½% of 1%	
Painters:						
Brush	7.40	.48	.12			
Structural steel and bridge	8.15	.48	.12			
Spray	8.50	.48	.12			
Piledrivermen	8.40	.75	1.40	.56	.02	
Plumbers, Steamfitters, Air conditioning and refrigeration:						
Albany area	8.10	.35	.62		.04	
Plumbers and Pipefitters:						
Cohoes area	7.27	.45	.85	.50	.04	
Roofers	8.05	.40	.30		.02	
Sheet metal workers	8.45	.30	.50		.02	
Sprinkler fitters	8.75	.30	.50		.05	
Truck drivers - Building:						
Straight, winch transit on site, road oilers, dump, pick-up, panel, water and fuel trucks on site	7.09	.37	.37	f	.02	
Low or lowboy trailers	7.24	.37	.37	f	.02	
Euclids	7.34	.37	.37	f	.02	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: E

b. Holidays: A through F. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

1-New York-1-2-3-C 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

FOOTNOTES (Cont'd):

f. One week vacation after one year's work; two weeks vacation after five year's work.

g. Holiday - Thanksgiving Day provided employee reports for work the day following the holiday.

h. Employer contributes $15.00 per year to an apprentice training program.

Building, Heavy and Highway Construction
City of Albany, and Building Construction,
Remainder of County

N.Y. 3-PEO-1-F

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Oilers	6.74	.65	.35	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	6.87	.65	.35	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, belterete power pac (belterete system), electric submersible pump 4" and over	6.93	.65	.35	a	.10	
Dinkey locomotives, Barber Greene loaders, Loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.12	.65	.35	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trexcavators, core and well drillers (one drum), econemobile and similar type machines, elevators, A-L frame winches, power hoisting(single drum)	7.26	.65	.35	a	.10	
LeTourneau graders or scrapers, trenching machines, push cart	7.425	.65	.35	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters,two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar machines, Murphy type diesel generator-belterete system, side booms, hydro hammer, tractor mounted drill (quarry master) euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways,hydraulic cranes, power hoisting (2 drum and over), mucking machine	7.48	.65	.35	a	.10	
Maintenance engineer	7.51	.65	.35	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day
D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

AP-452 P. 5

N.Y. 23-PEO-2-3-G 1 of 2

Heavy and Highway Construction Remainder of County	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS:						
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$7.75	.65	.25	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.45	.65	.25	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

AP-452 P. 6

N.Y. 23-PEO-2-3-G 2 of 2

Heavy and Highway Construction Remainder of County (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	$7.00	.65	.25	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.85	.65	.25	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

NY-1-LAB-2-3- G

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Laborers and driller helpers	$ 5.78	.50	.65	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootman, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	5.98	.50	.65	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.18	.50	.65	a		
Blasters, form setters, stone or granite curb setters	6.38	.50	.65	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

N.Y. 1-TD-2-3 -F

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.08	.40	.35	a		
Tandems and batch trucks, mechanics dispatcher	6.13	.40	.35	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	6.18	.40	.35	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	6.33	.40	.35	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	6.48	.40	.35	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

AP-370 P. 2

STATE: Texas
COUNTY: Galveston
DECISION NO.: AP-370
DATE: Date of Publication
Supersedes Decision No. AP-349, dated September 29, 1972, in 37 FR 20503.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

33 - Texas - 1 q (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.02	.50	.495		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.30	.175	.30		.03	
CARPENTERS:						
Carpenters	6.66	.40	.30		.05	
Millwrights	6.92	.40	.30		.05	
Piledrivermen	6.66	.40	.30			
CEMENT MASONS	6.25	.40	.37			
ELECTRICIANS	7.41	.28	1%+.26		.03	
ELEVATOR CONSTRUCTORS	6.60	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.75	.225	.20		.01	
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.825	.40	.40		.05	
LABORERS:						
Common	4.70	.25	.15		.02	
Air tool operator (jackhammer - vibrator)	4.875	.25	.15		.02	
Mason tenders	4.075	.25	.15		.02	
Pipelayers (concrete & clay)	4.875	.25	.15		.02	
Sandblasters	4.875	.25	.15		.02	
Power buggy operators	4.875	.25	.15		.02	
Lather tenders	4.975	.25	.15		.02	
Mortar mixers	4.975	.25	.15		.02	
Well driller	5.25	.25	.15		.02	
Well drillers' helpers	4.825	.25	.15		.02	
Blaster, powderman	5.125	.25	.15		.02	
Plasterer tender & hod carrier	4.975	.25	.15		.02	
MARBLE MASONS	6.50					
PAINTERS:						
Painters	5.675	.55	.45	.665	.02	
Painters on swinging stage work or using material injurious to the skin	5.925	.55	.45	.665	.02	
PIPEFITTERS:						
East of the Trinity River:						
Commercial work up to $50,000	7.075	.225	.20		.02	
Commercial work $50,000 & over	7.485	.225	.20		.02	
West of the Trinity River	7.325	.275	.50		.04	

33 - Texas - 1 q (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$6.825	.27	.30		.05	
PLUMBERS:						
Commercial work up to $50,000	7.075	.225	.20		.02	
Commercial work $50,000 & over	7.485	.225	.20		.02	
ROOFERS:						
Roofers	5.93	.20	.10	.15	.03	
Kettleman	5.00	.20	.10	.15	.03	
Helpers	3.80	.20	.10	.15	.03	
SHEET METAL WORKERS	5.72		.125			
SOFT FLOOR LAYERS	6.25	.25	.10		.03	
SPRINKLER FITTERS	8.35	.30	.50		.05	
STONEMASONS	7.30	.175	.30		.03	
TERRAZZO WORKERS	6.50					
TILE SETTERS	6.50					
TRUCK DRIVERS:						
Under 1½ tons; wash, grease, tireman, fuel pump operation when used on construction jobs	5.05					
1½ thru 2½ tons; dump truck less than 7 yds.	5.34					
Over 2½ tons; farm tractor; fork lifts, floats	5.50					
Euclids (not self-loading)	5.60					
Warehousemen	5.24					
Material checkers; pick-up drivers	6.01					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
HEAVY EQUIPMENT						
Heavy Duty Mechanic; Blade Grader, Self-Propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-Propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machines; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and Similar Tractors; Asphalt Plant Mixer Operator on Job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-Propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated	$6.65	.30	.30		.01	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D)						
LIGHT EQUIPMENT						
Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator; Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A Light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated	$6.01	.30	.30		.01	
FIREMAN	5.59	.30	.30		.01	
OILER	5.46	.30	.30		.01	

4 - TEXAS - LC 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$7.765	.28	1%		1/2%	
Groundmen	5.32	.28	1%		1/2%	
Groundmen (1st 6 mos.)	3.87	.28	1%		1/2%	

AP-370 P. 5

14 - Texas - 3 g (1 - 2)

INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$3.00					
Asphalt Heaterman	3.00					
Asphalt Raker	2.75					
Batching Plant Scaleman	2.60					
Carpenter	3.75					
Carpenter Helper	3.00					
Concrete Finisher (Paving)	3.75					
Concrete Finisher Helper (Paving)	3.00					
Concrete Finisher (Structures)	3.75					
Concrete Finisher Helper (Structures)	3.00					
Concrete Rubber	3.00					
Electrician	5.50					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.50					
Form Liner (Paving and Curb)	3.65					
Form Setter (Paving and Curb)	3.25					
Form Setter Helper (Paving and Curb)	2.75					
Form Setter (Structures)	3.75					
Form Setter Helper (Structures)	2.80					
Laborer, Common	2.25					
Laborer, Utility Man	2.75					
Manhole Builder, Brick	3.75					
Mechanic	3.75					
Mechanic Helper	3.15					
Oiler	3.25					
Serviceman	3.25					
Painter (Structures)	4.50					
Painter Helper (Structures)	3.00					
Piledriverman	4.00					
Pipelayer	3.50					
Pipelayer Helper	3.25					
Pneumatic Mortarman	2.75					
Reinforcing Steel Setter (Paving)	3.00					
Reinforcing Steel Setter (Structures)	3.75					
Reinforcing Steel Setter Helper	2.55					
Steel Work Structural	3.35					
Steel Work Helper (Structural)	2.75					
Sign Erector	3.00					
Spreader Box Man	3.25					
Power Equipment Operators:						
Asphalt Distributor	3.25					
Asphalt Paving Machine	3.75					

AP-370 P. 6

14 - Texas - 3 g (2 - 2)

INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Broom or Sweeper Operator	$3.00					
Bulldozer, 150 H.P. and Less	3.25					
Bulldozer, over 150 H.P.	3.75					
Concrete Paving Curing Machine	3.35					
Concrete Paving Finishing Machine	3.75					
Concrete Paving Joint Machine	3.10					
Concrete Paving Mixer	4.00					
Concrete Paving Spreader	3.60					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.75					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	4.00					
Crusher or Screening Plant Operator	4.10					
Front End Loader (2½ C.Y. and Less)	3.45					
Front End Loader (Over 2½ C.Y.)	3.50					
Motor Grader Operator, Fine Grade	4.00					
Motor Grader Operator	3.60					
Roller, Steel Wheel (Plant-Mix Pavements)	3.00					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.75					
Roller, Pneumatic (Self-Propelled)	3.00					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.90					
Tractor (Crawler Type) over 150 H.P.	3.45					
Tractor (Pneumatic) 80 H.P. and Less	2.65					
Tractor (Pneumatic) over 80 H.P.	3.00					
Traveling Mixer	2.50					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.95					
Tandem Axle or Semitrailer	2.50					
Lowboy-Float	3.25					
Transit-Mix	2.75					
Winch	2.75					
Welder	4.00					
Welder Helper	3.25					

[FR Doc.72-21428 Filed 12-14-72;8:45 am]

federal register

FRIDAY, DECEMBER 15, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 242
PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

METHADONE

Listing as New Drug With Special Requirements and Opportunity for Hearing

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Approved New Drugs Requiring Continuation of Long-Term Studies, Records, and Reports; Listing of Methadone With Special Requirements for Use

In the FEDERAL REGISTER of January 7, 1972 (37 F R. 201), the Commissioner of Food and Drugs added a new section, § 130.48 *Drugs that are subjects of approved new drug applications and that require special studies, records, and reports,* to Part 130—New Drugs, Subpart A—Procedural and Interpretative Regulations. In the FEDERAL REGISTER of April 6, 1972 (37 F.R. 6940), the Commissioner proposed special requirements for use of methadone, by adding a new paragraph (b) to § 130.48, which would place methadone on the list of drugs subject to special studies, records, and reports, provide for the drug to be considered no longer exclusively investigative, establish special requirements for use of the drug, no longer approve its use as an antitussive, and revoke § 130.44 *Conditions for investigational use of methadone for maintenance programs for narcotic addicts* (21 CFR 130.44) upon the effective date of § 130.48(b).

Section 130.44 was promulgated on April 2, 1971, in concert with the promulgation of regulations by the Bureau of Narcotics and Dangerous Drugs now cited as §§ 306.04 and 306.07 under Chapter II of Title 21 of the Code of Federal Regulations. Publication of these regulations were each predicated on the investigational status of methadone in the maintenance treatment of narcotic addicts. Their effect was to require submission of an IND application to the Food and Drug Administration and submission of an application for separate registration to the Bureau of Narcotics and Dangerous Drugs for approval by each on the basis of a specific research protocol. The regulation of the Bureau of Narcotics and Dangerous Drugs required that approval be based on a concurrent review by the Food and Drug Administration for scientific merit and by the Bureau of Narcotics and Dangerous Drugs for the drug control requirements. In the interval, experience with the use of methadone in maintenance treatment programs has increased; and such programs have greatly expanded. This expansion has led in some cases to a growing problem of abuse and diversion. The promulgation of the revised § 130.44 is designed to set forth medical standards in the treatment of narcotic addiction in accordance with section 4 of title 1 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and to help reduce the likelihood of diversion by providing for a closed system of methadone distribution. The Bureau of Narcotics and Dangerous Drugs which has primary responsibility for the elimination of the diversion of narcotic drugs has been consulted in the drafting of these regulations and will continue to exercise supervision of methadone programs in this aspect. In addition, because of the broader acceptance of methadone in the treatment of narcotic addiction, legislation has been introduced into the Congress for the purpose of strengthening the authority of the Bureau of Narcotics and Dangerous Drugs to impose and enforce standards relating to the security and diversion of narcotic drugs utilized in the treatment of narcotic addiction.

In response to the April 6, 1972, publication several hundred comments were received from known authorities in the treatment of drug addiction, concerned citizens, members of Congress, municipalities and organizations currently operating methadone treatment programs, State and local governmental authorities, the medical community through the American Medical Association, the American Psychiatric Association and State and local medical societies, the Medical Committee for Human Rights, the National Association of Social Workers, the American Society of Hospital Pharmacists, the American Pharmaceutical Association, and pharmaceutical manufacturers.

1. Numerous comments stated that the proposed regulation represents an unwarranted intrusion into medical practice and the physician-patient relationship by a regulatory agency and would severely impede the ability of the serious practitioner to treat and rehabilitate the addict population. It was suggested that flexibility should be allowed in deciding what is good medical management of patients. These respondents recognized the necessity to control diversion and abuse but felt that the treatment of narcotic dependence is a medical problem the management of which should emanate from the medical profession. The Food and Drug Administration (FDA) has no intention of interfering with legitimate medical practice or the exercising of medical judgment in the treatment of narcotic addiction. Clinical judgment must ultimately determine the type and course of treatment for each patient. Because of the hazards known to exist from diversion and misuse of methadone, however, strict control over the distribution, administration, and dispensing of the drug is necessary to assure its safe use. This regulation provides sufficient latitude within which medical judgment may properly be exercised.

2. A number of physicians and pharmacists expressed concern that the regulation may limit the availability of the drug for antitussive and severe pain uses (as in cancer patients) and that this is discriminatory. The Commissioner concludes that the closed system of distribution provided for in the regulation, although unique, is necessary to protect the public health by minimizing diversion and misuse of methadone. In some instances other drugs may have to be substituted for the analgesic or detoxification uses of methadone as well as for emergency treatment of withdrawal symptoms. In almost all instances in which methadone might be the drug of choice for its analgesic use this should still be possible by utilizing the dispensing services of approved hospital pharmacies, or in remote areas without hospitals, community pharmacies which may be approved by FDA for dispensing methadone on the recommendation of the State authority and after consultation with the Bureau of Narcotics and Dangerous Drugs (BNDD). Although the Commissioner recognizes the effectiveness of methadone as an antitussive, he concludes that there are only limited indications for this use because of the ready availability of other effective agents. The benefits derived from the drug for antitussive use do not outweigh the hazards of diversion and abuse which would result from the increased availability if such use were allowed.

3. Some comments also expressed concern that outpatient or ambulatory detoxification and emergency treatment for heroin withdrawal will not be sufficiently widely available. Some persons recommended the authorization of specific physicians for the purpose of providing ambulatory withdrawal treatment and the authorization of community pharmacies as well as hospitals for administering and dispensing methadone. Private physicians who wish to use methadone for ambulatory detoxification or maintenance treatment of addicts can do so by obtaining approval for the operation of a methadone treatment program or by serving as an approved methadone treatment medication unit for an approved program. Community pharmacies will also be able to administer and dispense methadone either by being an integral part of an approved program or by serving as a methadone treatment medication unit for an approved program.

4. Several comments noted that no provision has been made for the hospitalized narcotic addict who is not enrolled in a methadone treatment program but requires other general medical or surgical care while in the hospital and requires treatment with methadone while these other conditions are being attended. Similarly, if a person enrolled in a methadone treatment program is hospitalized for other general medical or surgical care, the treatment program would have to provide the drug supply to the hospital under the proposed regulation. The regulation has been revised to include temporary treatment of narcotic addicts enrolled in methadone treatment programs while hospitalized for other medical or surgical conditions. Those addicts not enrolled in a methadone treatment program who are admitted to the hospital for other general medical or surgical care may be detoxified with methadone if their condition

warrants or, if not, they may be temporarily treated with methadone during the acute phase of their care.

5. One comment suggested the use of hospitals for stocking methadone as an emergency, temporary outpatient detoxification and/or maintenance treatment facility when an approved methadone treatment program is terminated. This comment has merit, and in the event that other approved programs are not available to the addicts or cannot accommodate displaced addicts, consideration will be given to using hospitals for the purposes of detoxification and/or maintenance treatment until such time as the patients can be referred to other approved methadone treatment programs.

6. One comment called attention to the language used in the proposal to describe the storage requirements for the drug and how it differs from the BNDD regulations. This comment also noted the BNDD regulations require that records pertaining to narcotic distribution need only be retained for a period of 2 years. The Commissioner recognizes that only 2-year record retention is required under the BNDD regulations, but concludes that there is a need for additional control of this drug, as evidenced by its potential for abuse and its demand as a substitute for other addictive drugs. State laws may require even longer record retention. The storage requirements under this regulation are identical to the BNDD regulations.

7. A number of comments argued that alternative methods of control and distribution should be considered (e.g., centrally processed multiple prescription blanks and selected pharmacies). For the reason expressed in item 2 above the comments are rejected except that community pharmacies may be utilized to administer and dispense the drug for analgesia in remote areas without hospitals on the recommendation of the State authority and approval by FDA after consultation with BNDD.

8. Several comments expressed concern that restricted distribution will invite larger prescriptions resulting in poorer control and that such practice would be further encouraged by the needless recordkeeping requirements placed on hospitals which may cause them not to apply, thus promoting even more restricted distribution than the regulation is designed to provide. The Commissioner recognizes these possibilities but concludes that hospitals, as they have in the past, will respond to the needs of the community by making methadone available for its legitimate uses. It is further concluded that the hospital reporting system in the regulation will serve as an indicator of inordinate prescribing which can be corrected when necessary.

9. One comment suggested restricting the use of other orally effective narcotics to prevent them from being used as a substitute for methadone. The Commissioner rejects this comment at this time since he has no information that such drugs are being used for this purpose or that these drugs would be substituted.

10. Several comments urged that the regulation provide for minimum qualifications of program personnel and perhaps certification of physicians to use methadone in treating addicts. It was also suggested that staffing patterns be included in the guidelines. The regulation does provide for the submission of information concerning the scientific training and experience of professional personnel having major responsibility for the programs and the rehabilitative efforts which are part of the approval criteria. The regulation has been changed to include staffing guidelines.

11. There was comment that ambiguity exists regarding the terminology used for administering and dispensing medication and the ultimate responsibility for the medication. Some complained that program costs will be prohibitive unless a variety of "competent agents" of the physician, such as pharmacists, registered nurses, and licensed practical nurses be permitted to administer and dispense medication. In an effort to clarify these responsibilities, the regulation has been amended to indicate that methadone can be administered and dispensed by such "competent agents" supervised by and pursuant to the order of the practitioner licensed under appropriate State or Federal law to order narcotic drugs. The responsibilities of the practitioner have been further clarified.

12. Several comments objected to the threat of criminal prosecution of program directors and physicians within programs which may serve to discourage them from assuming program responsibility and may do little to insure compliance. Lack of administrative control by physicians and dependence on other agencies for funding serve to remove the physician or director from policy decisions, yet he is held responsible for any deviation from the submitted protocol. Although it is recognized that program directors and physicians may have limited control within the program, their ultimate responsibility for the care and treatment of patients and to the public health cannot be minimized or avoided.

13. Several comments objected to the regulation by describing it as extremely discouraging and representing a severely exaggerated, punitive and logically incorrect response to the problem of drug diversion. These comments also stated that the regulation will only serve to divert money away from new services, prevent the expansion of existing programs, further widen the gap between government agencies and the practitioner, and perhaps even compound the problem of illicit diversion. Some urged that implementation be gradual and that every effort be made to address the need for Federal funds to assure adequate service. One comment objected to the regulation's interference with the organizational structure of programs to the point of prescribing a mode of treatment. It is recognized that problems of treatment are not uniform in different regions of the country and that flexibility is needed while attempting to maintain basic standards of control. The regulation has been revised to include a provision for specific exemptions or to establish revised standards for programs where they can be adequately justified.

14. Several comments objected to the implication that methadone is itself a complete and adequate treatment for narcotic addiction in all cases. Any such implication which the proposal may have conveyed was unintentional, and an attempt has been made to remove such implication.

15. One comment was critical of FDA's response to applications or other submissions in that the agency response is too slow to require that no changes be made without prior approval. It was suggested that changes be allowed to automatically take effect 10 days after certified receipt of a submission by FDA unless specifically rejected in that time. FDA regrets any delay in previous responses and is aware of the need for prompt action in this critical public health problem but without specific information regarding the reported delays the agency must reject this proposal. The regulation provides for a 60-day approval or denial period.

16. Another comment proposed a review board to review actions of the FDA, BNDD, or the State authority in denying or revoking program approvals. The Commissioner concludes that the law requires him to exercise this authority, though the final regulation does provide for State approval and consultation with the BNDD prior to FDA approval.

17. One comment suggested that the FDA develop a list of interested persons and to assure that such persons would be notified of changes in the FDA regulation. Changes in regulations are effected by publication in the FEDERAL REGISTER and are published for comment prior to promulgation. Subscriptions to this publication can be purchased for a nominal fee. In addition, the FDA will notify persons responsible for a program (those persons signing the latest amended applications for approval of a program) of any changes in the regulation.

18. One comment suggested recodifying and rearranging the regulation for the purpose of better identification and reference. In an effort to obtain greater clarity the regulation has been placed in § 130.44 and the substantive requirements have been stated separately as well as incorporated in the forms. As experience with the forms and application of the regulation accumulates, it may become advisable to amend the regulation further for clarity.

19. Several comments stated that provisions should be made for expediting reentry into a program of patients who have undergone unsuccessful voluntary withdrawal so that they are not subjected to long waiting periods and that patients should be informed of the potential for successful withdrawal. The FDA encourages such policies but believes that this should be a program decision based on the particular circumstances and not a legal requirement.

20. Several comments suggested that the protocol comment on the pregnant addict and those patients with serious illness. The FDA recognizes that these patients may present special problems in treatment and should be carefully evaluated prior to and during treatment. Experience has shown that programs have effectively dealt with patients of this type and that guidelines for every specific type of patient would be difficult to develop because treatment is usually individualized. It is recommended that caution be exercised in the treatment of the pregnant patient and that the lowest possible dosage level be maintained.

21. A number of comments called attention to the fact that problems of treatment are not uniform throughout the country and suggested that exceptions be granted where they can be justified. This concept has merit and it is felt that some degree of flexibility is needed while attempting to maintain basic standards of control. Therefore, a program may request exemptions from specific requirements of the regulation or to establish revised standards. These exemptions or revisions of standards must first be approved by the State authority and by the FDA. The regulation has been revised to detail the procedures for granting such exemptions.

22. Several comments were received regarding the distribution system established by the proposed regulation. Some individuals were concerned that the system is too limited and will prevent the drug from being available in some areas or for some special and/or emergency situation. It was suggested that, in some regions or States, wholesale pharmacy outlets be authorized to stock the drug for that area and then to transship it to approved programs, hospital pharmacies, or, in exceptional cases, selected community pharmacies. It is believed that in many instances this would provide greater security and expedite shipments. The regulation has been revised to include provisions for such outlets on the recommendation of State authorities.

23. After consideration of available data and current investigations, the Commissioner concludes that it is inappropriate to require manufacturers to develop additional data from chronic animal toxicity studies. This information is being developed through other sources. Therefore, § 130.48(b) (1) (ii) of the proposal has been deleted.

24. Numerous comments were received regarding the concept of a "satellite" and whether or not a private practitioner, a community pharmacy, and/or hospital pharmacy, could provide this kind of service. The term "satellite" was regarded as confusing and clarification of this term was requested. In addition, differentiation was needed between a program, individual components of a program, a "satellite" unit, and other organizational units. Because of the confusion connected with the term "satellite" and the number of objections it precipitated, particularly with regard to its size, the term has been deleted. In the interest of clarity, paragraphs (a) and (b) of § 130.44 have been inserted to define the terms used in the application forms.

25. Several persons commented on the approval of programs by a State authority. Some contended that the proposed regulations are inconsistent with the provisions of Public Law 92–255 regarding the responsible State authority. Others requested clarification of the sequence of approval by the various governmental authorities and the exact role of the State authority. Recourse in the event of State disapproval was requested. Since the problems of treatment are not uniform in different regions, flexibility was recommended to decentralize rule making and enforcement. This is particularly a problem in some areas where local governmental agencies are charged with the responsibility of drug abuse programing. Finally, some persons suggested prior approval of hospital pharmacies by the State authority to maintain consistency and to enable the State authorities to be informed of methadone distribution within their States. The FDA agrees that State authorities are essential in adequately controlling methadone, in assuring that the need for a methadone program exists within any specified geographic area, and in establishing criteria and guidance for program standards. The regulation has been revised to clarify the role of responsible authorities in the approval of programs, their components, and hospital or community pharmacies, and to provide a process whereby exemptions may be granted.

26. A large percentage of the comments referred to the proposal's sections concerning admission criteria, patient selection, and terminations. These comments were directed to: (a) Voluntary participation, (b) evaluation of addiction, (c) exception provisions, (d) age requirements, and (e) termination.

a. Several comments requested clarification of the term "voluntary participation" as it relates to those cases where courts or prisons may in effect require participation by providing no other reasonable alternatives. The FDA recognizes that this situation exists and has revised the regulation to provide for written informed consent of the patient. A standardized consent form for methadone treatment, Form FD 2635, "Consent to Methadone Treatment," has been added to the regulation.

b. Many of the comments indicated that the requirements for determining the state of addiction were excessive and too inflexible. They argued that determination of addiction should be based primarily on a careful history, particularly to determine a minimal period of heroin use. These comments state that withdrawal symptoms can be mimicked and that waiting periods place an unrealistic burden upon the applicant and the program. FDA agrees that flexibility is needed in this regard and the regulation has been revised to indicate that the selection of patients should be based on a careful and documented history of dependence on heroin or other morphine-like drugs beginning 2 years or more prior to application for treatment and evidence of current physiologic dependence on morphine-like drugs.

c. Some comments expressed concern about the limited exceptions to the requirement for evidence of current physiologic dependence on narcotic drugs. These comments favored the initiation of methadone treatment for an individual who has been detoxified and believes he is compelled to start heroin use again or an individual with a documented history of heroin use who has been drug free but believes he is compelled to start heroin again. The Commissioner concludes that a program should exhaust other methods of treatment of these patients in an effort to deter such patients from reinstituting their drug use, and that use of methadone automatically under these circumstances would not be in the best interest of the patient or the public health.

d. A large number of comments addressed themselves to the use of methadone in the treatment of adolescents. Some noted that the age of initial addiction to narcotic drugs has been dropping (at least in the large metropolitan areas) and that the longer one waits to treat the adolescent addict the more difficult it would be to change his life style. These comments argued that to place limitations on treating patients under 18 would mean that many chronic, compulsive heroin users would have to experience at least a few years of criminal activity and arrests if they could not avail themselves of the limited non-drug treatment programs. Others argued that the benefits of methadone treatment, despite any possible risks due to its effects on development or the risk of creating a de novo state of addiction within this age group, far outweigh the social and medical risks of continued heroin use. They argued that special emphasis and even priority should be assigned to the adolescent heroin user to avoid an even greater public health problem in the future. These arguments pointed out that current non-drug treatment programs cannot manage the large numbers of adolescent heroin users and that detoxification alone has not been successful. The comments either stated or implied that there must be still a lower-age limit for inclusion into methadone treatment programs and many indicated that the requirements for acceptance of the adolescent heroin user into treatment differ from the requirements for the adult. A number of suggestions have been made: (i) Lower the age limit to 16 and provide special requirements for approval of those under that age; (ii) lower the age limit to 16 and permit detoxification of those below this age; (iii) state conditions for approved treatment of those under age 18 and require the submission of a protocol rather than inclusion of these patients; (iv) allow treatment of patients under age 18 with concurrence of two physicians and/or approval by the State or local authority; (v) provide only supervised detoxification of patients under age 18 along with vigorous rehabilitative efforts as the therapeutic modality of choice in this age group; and (vi) maintain the pres-

ent requirements but permit continued treatment of patients under 18 who are already enrolled in the treatment program as of a given date.

After careful consideration of these comments, the Commissioner concludes that adolescent patients present unique problems of clinical evaluation and treatment which preclude unrestricted use of methadone as a modality of treatment. Preventing the creation of a de novo state of addiction, which is often difficult to do in patients under age 16, is of major concern and further complicates treatment. Further study is required to determine whether the possible risks of special toxicity and negative developmental effects of the drug outweigh the benefits which may derive from such unrestricted treatment in patients under age 16.

In view of the inadequate data concerning methadone treatment and toxicity within the adolescent group but the limited availability of other modalities of treatment, the Commissioner concludes that in certain cases treatment of patients under age 18 is justifiable.

Patients between 16 and 18 years of age who are enrolled and under treatment in approved programs on the date of publication of this regulation may continue in maintenance treatment. No new patients between 16 and 18 years of age may be admitted to a maintenance treatment program after the date of publication of this regulation unless a parent, legal guardian, or responsible adult designated by the State authority completes and signs Form FD 2635 "Consent to Methadone Treatment". Methadone treatment of new patients between the ages of 16 and 18 years may be permitted after the date of publication of this regulation only with a documented history of two or more successful attempts at detoxification and a documented history of dependence on heroin or other morphine-like drugs beginning 2 years or more prior to application for treatment. No new patient under age 16 may be continued or started on methadone treatment after the date of publication of this regulation but these patients may be detoxified and retained in the program in a drug free state for followup and after care. Patients under age 18 who are not placed in maintenance treatment may be detoxified. Detoxification may not exceed 3 weeks. A repeat episode of detoxification may not be initiated until 4 weeks after the completion of the previous detoxification.

e. Several comments were received concerning the clinical records which indicated a need for clarification of these provisions. Some persons interpreted the statements to mean that a patient literally must be terminated (dropped) from a program or readmitted rather than understanding that this is solely a recordkeeping requirement. The paragraph has been revised to indicate that for recordkeeping purposes, if a patient misses appointments for 2 weeks without notifying the program, the episode of care is considered terminated and so noted in the clinical record. This does not mean that the patient cannot return for treatment. If the patient does return for treatment and is accepted into the program, this would be considered a readmission and so noted in the clinical record. This method of recordkeeping insures the easy detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., the patient who has received no medication for several days or more and upon return receives the usual stabilization dose).

27. There were several adverse comments regarding the requirement to participate in local, regional, or national identification systems. These comments express particular concern about the confidentiality of patient records and the identification of patients to extra-program authorities for purposes other than those related to patient care or the monitoring of programs for maintenance of program standards. The FDA is cognizant of the provisions of these statutes which provide for the confidentiality of records which are maintained in connection with the treatment of patients and has revised the statement to indicate that any identification system shall be in accord with them. Information that would identify a patient in such a system shall be kept confidential in compliance with 21 CFR Part 401, section 408 of Public Law 92-255, and section 3 of Public Law 91-513.

28. Several comments were made about the recommended dosage schedule for treatment and the guidelines for detoxification which indicate a need for clarification. These comments were critical of the rigidity or inappropriateness of the recommended dosage. The FDA is of the opinion that clinical judgment must ultimately determine the actual dosage regimen used for each patient. Consequently, with the exception of the maximum dosage level and maximum take-home dosage for maintenance treatment, the paragraphs dealing with the dosage are designated as recommended guidelines.

29. Some of the comments expressed concern over the severity of the detoxification schedule. Particular reference was made to daily reductions in dosage and the restrictions placed on length of detoxification. In view of recent data and the above comments, revisions have been made in the suggested daily reductions in dosage, but the Commissioner rejects the concept of prolonged detoxification. If methadone is administered for more than 3 weeks, the procedure is considered to have progressed from detoxification or treatment of acute withdrawal symptoms to that of maintenance treatment even if the goal is eventual total withdrawal.

30. The greatest number of comments, including several thousand petition signatures from persons connected with treatment programs, objected to the more severe requirements concerning the frequency of visits and take-home privileges. It was contended that the requirements are, for many patients, contra-therapeutic and ignore the social progress of patients who have been in treatment for periods of years. It was urged by many that allowance be made for the exercise of medical judgment, since strict adherence to such requirements could produce a large dropout rate followed by relapse and might handicap rehabilitation efforts. It was argued that the present schedule would bind the patient to his treatment center, interfere with jobs of addicts or cause loss of employment, and place burdens on mentally and physically ill patients. Many persons, particularly from the larger metropolitan areas, complained that this schedule would increase the program costs, make adequate staffing almost impossible, over-burden the physical facilities of a program and prevent the expansion of services. Some individuals recommended a schedule of decreasing frequency of visits as a patient continues in the program and demonstrates evidence of successful rehabilitation (e.g., employment). A number of persons suggested an initial schedule of five times per week visits and several urged no more than once weekly visits after successful stabilization.

Since January 1, 1972, the FDA in cooperation with the National Institute of Mental Health (NIMH), has undertaken an intensified inspection of all methadone treatment programs currently in operation. This inspection program has resulted in several corrective actions by the FDA to eliminate major program deficiencies. In addition, the agency has become aware of increased diversion and misuse of methadone which mandates strict control over the distribution and use of the drug in a manner similar to that proposed. For this reason, the Commissioner has rejected the comments which propose more liberal distribution and control.

Because of the information obtained through these inspections and consultation with the BNDD, the take-home privilege provisions have been revised to provide the following: The patient initially will ingest the drug under observation daily, or at least 6 days a week, for the first 3 months. After demonstrating satisfactory adherence to the program regulations for at least 3 months, and showing substantial progress in rehabilitation by participating actively in the program activities and/or by participation in educational, vocational, and homemaking activities, those patients whose employment, education or homemaking responsibilities would be hindered by daily attendance may be permitted to reduce to three times weekly the times when they must ingest the drug under observation. They shall receive no more than a 2-day take-home supply. With continuing adherence to the program requirements and progressive rehabilitation for at least 2 years after entrance into the program, such patients may be permitted twice weekly visits to the program for drug ingestion under observation with a 3-day take-home supply. Prior to reducing the frequency of visits, documentation of the patient's progress and the need for reducing the frequency of visits shall be recorded.

31. There were a substantial number of adverse comments received on the section of the regulation dealing with urine testing. The major objections were on economic and clinical grounds. It was contended that weekly urine testing is too expensive for patients and/or programs and that the money could be spent more effectively in treatment and rehabilitation. The proposed schedule and procedure for urine testing was suggested as too stringent and as interfering with the patient-doctor relationship as well as interfering with clinical judgment. Some comments contended that this requirement is a violation of patient's rights and creates a police-like atmosphere. Several persons recommended a decreasing frequency of urine testing with an ultimate schedule of random urine sampling a few times yearly. A few persons suggested testing for other drugs such as barbiturates, amphetamines, cocaine, and, once treatment was initiated, for methadone.

For the reasons stated in paragraph 30 above and in the interest of providing accurate urine test results, the Commissioner rejects the comments suggesting more lenient scheduling and has also made several revisions in the requirements. Testing randomly for barbiturates and amphetamines and other drugs if indicated at monthly intervals is an added requirement based on evidence of increased abuse of these substances. In addition, provision is made for the use of only those laboratories which participate in and are approved by any proficiency testing program designated by the FDA. Any changes made in laboratories used for urine testing shall have prior approval of the FDA.

32. Several persons commented on use of particular dosage forms in order to prevent diversion and abuse and a requirement for poison prevention packaging. The regulation provides that dosage forms used in programs shall be formulated in such a way as to reduce its potential for parenteral abuse and accidental ingestion. Although tablet, syrup concentrate, or other formulations may be distributed, only a liquid formulation may be administered or dispensed. Regarding poison prevention packaging, the FDA has promulgated regulations under the Poison Prevention Packaging Act of 1970 which require that controlled substances be packaged for household use in "special packaging" which is designed to prevent poisoning in children. All methadone dispensed for outpatient use shall be in such containers as specified in 21 CFR 295.2(a)(4) of the regulations, published in the FEDERAL REGISTER of April 27, 1972 (37 F.R. 8433).

33. Some comments contended that the closed distribution system established in the proposal is outside the legal authority of the Food and Drug Administration, and that the Commissioner must retain the drug under exclusively investigational controls, approve it for unrestricted and uncontrolled distribution and dispensing, or withdraw it completely from use. The Commissioner rejects this contention. Congress intended to provide in the Federal Food, Drug, and Cosmetic Act sufficient flexibility to assure the safe and effective distribution and use of all drugs. Most of the comments recognized the legal validity and factual justification for utilizing a controlled system of distribution in the unique circumstances posed by methadone. Nothing in the law precludes concurrent use of both IND and NDA controls, and comments so stated. Counsel for the Food and Drug Administration has reviewed the final regulations and has provided his opinion that they are authorized by the Act.

34. Questions were raised about the procedure for denial or revocation of approval of a program or any portion thereof. Because the new regulation provides for approval of methadone as a new drug and removes it from what was previously exclusively an investigational status, new procedures for denial or revocation of approval are appropriate. The final regulations therefore provide that denial or revocation of a program or any portion thereof will initially be the subject of an informal conference with the Director of the Bureau of Drugs. The applicant then has an opportunity to appeal an adverse decision to the Commissioner who, if he finds that the applicant cannot justify approval, will issue a notice of opportunity for a hearing with respect to the matter in the same manner as for withdrawal of an NDA or portion thereof.

35. For the reasons stated in the FEDERAL REGISTER of April 6, 1972 (37 F.R. 6940), and in this order, the Commissioner concludes that there is a lack of substantial evidence that methadone is safe and effective for detoxification, analgesia, or antitussive use under the conditions of use that presently exist. Therefore, notice is given to the holders of the new drug applications for methadone that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new drug applications and all amendments and supplements thereto:

1. Methadone (Dolophine) HCl Tablets, Injectable, Suppository; by Eli Lilly & Co., Box 618, Indianapolis, IN 46206. (NDA 6134).

2. Methadone HCl Tablet, Injectable; by Hoffmann-LaRoche Inc., Nutley, N.J. 07110. (NDA 6305).

3. Methadone HCl Injectable, Tablets, Elixir; by Parke, Davis & Co., Joseph Campau Avenue, At the River, Detroit, MI 48232. (NDA 6310).

4. Methadone HCl Tablets, Injectable; by the Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002. (NDA 6311).

5. Methadone HCl Ampuls; by S. E. Massengill Co., 527 Fifth Street, Bristol, TN 37620. (NDA 6345).

6. Methadone HCl Tablets, Injectable; by Wm. S. Merrell Co., Div. Richardson-Merrell Inc., 110 E. Amity Road, Cincinnati, OH 45215. (NDA 6370).

7. Methadone HCl Tablets; by Mallinckrodt Chemical Works, 3600 North Second Street, Box 5439, St. Louis, MO 63160. (NDA 6383).

8. Methadone (Amidone) HCl Tablets, Elixir, Injectable; by S. F. Durst & Co., Inc., 5317 North Third Street, Philadelphia, PA 19120. (NDA 6504).

A notice of oportunity for hearing, published elsewhere in this issue of the FEDERAL REGISTER, states:

In acordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicants an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER the applicants are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail themselves of the opportunity for a hearing. Failure of an applicant to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunty for a hearing.

If no applicant elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the applications.

If an applicant elects to avail himself of the opportunity for a hearing, he must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug applications should not be withdrawn, together with a well-organized and full factual analysis of the data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant warrants the conclusion that there exists substantial evidence demonstrating the safety and effectiveness of the product under existing conditions of use, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the applications and data submitted by the applicants in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the applications, the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicants, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

New drug application holders may submit, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, a supplemental new drug application requesting approval for the manufacture and distribution of methadone pursuant to §§ 130.44 and 130.48(b). Upon submission and approval

of any such supplement the Commissioner will rescind this notice of opportunity for hearing for that applicant.

The Commissioner concludes that § 130.44 should be revised (see paragraph 18 of the preamble) and that § 130.48 should be amended to add a new paragraph (b) listing methadone as a drug subject to new-drug application approval and special studies, records and reports requirements. Therefore, pursuant to the provisions of sections 505 and 701(a), of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 355, 371(a)), section 303(a) of the Public Health Service Act as amended (42 U.S.C. 242a(a)), and section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (42 U.S.C. 257(a)), and under authority delegated to the Commissioner (21 CFR 2.120), Subchapter C of Title 21, Code of Federal Regulations; is amended as follows:

1. Section 130.44 is revised to read as follows:

§ 130.44 Conditions for use of methadone.

(a) *Definitions.* (1) An individual is "drug dependent" when his addiction reaches a stage where a daily administration of heroin or other morphine-like drugs is required to avoid the onset of signs of withdrawal.

(2) "Detoxification treatment" using methadone is the administering or dispensing of methadone as a substitute narcotic drug in decreasing doses to reach a drug free state in a period not to exceed 21 days in order to withdraw an individual who is dependent on heroin or other morphine-like drugs from the use of these drugs.

(3) "Maintenance treatment" using methadone is the continued administering or dispensing of methadone, in conjunction with provision of appropriate social and medical services, at relatively stable dosage levels for a period in excess of 21 days as an oral substitute for heroin or other morphine-like drugs, for an individual dependent on heroin. An eventual drug free state is the treatment goal for patients but it is recognized that for some patients the drug may be needed for long periods of time.

(4) "State authority" means the State authority designated pursuant to section 409 of Public Law 92-255, the Drug Abuse Office and Treatment Act of 1972, or in lieu thereof any other State authority designated by the Governor for purposes of exercising the authority under this section. If no State authority is so designated, the provisions in this section relating to approval by the State authority shall be inapplicable with respect to that State.

(b) *Organizational structures and approval requirements.*—(1) *Methadone treatment program.*—(i) *Defined.* A methadone treatment program is defined as a person or organization furnishing a comprehensive range of services using methadone for the detoxification and/or maintenance treatment of narcotic addicts, conducting initial evaluation of patients and providing ongoing treatment at a specified location or locations. If there is a centralized organizational structure, consisting of a primary facility and other outpatient facilities, all of which conduct initial evaluation of patients and administer or dispense medication, both the primary facility and each outpatient facility shall be considered a separate program, even though some services may be shared (e.g. the same hospital or rehabilitative services).

(ii) *Services.* A methadone treatment program, in addition to providing medication and/or evaluation, shall provide, as a minimum, counseling, rehabilitative, and other social services (e.g. vocational and educational guidance, employment placement), which will help the patient become a well functioning member of society. These services should normally be made available at the primary outpatient facility, but the program sponsor is permitted to enter into a formal, documented agreement with private or public agencies, organizations or institutions for these services if they are available elsewhere. Evidence will be required to demonstrate that the services are fully available and are being utilized.

(iii) *Hospital affiliation.* If a program is not physically located within a hospital which has agreed to provide any needed medical care for drug related problems for the program's patients, there shall be a formal, documented agreement between the program sponsor and a responsible hospital official demonstrating that hospital care, both inpatient and outpatient, is fully available to any patient who may need it for such problems. It is suggested that the program sponsor enter into an agreement with the hospital official to provide general medical care for patients. Neither the program sponsor nor the hospital are required to assume financial responsibility for the patient's medical care.

(iv) *Private practitioners.* A private practitioner constitutes a separate program if he conducts initial evaluation of patients, administers and dispenses medication, provides a comprehensive range of services, and otherwise meets all of the requirements for a program established in this section. A private practitioner who qualifies and is approved as a program is permitted to serve as many patients as he desires, but will be required to meet all the requirements of this regulation, including staffing requirements, unless permission is granted by the Food and Drug Administration and the State authority for exemption from or revision of these requirements.

(v) *Program approval.* In order lawfully to operate a methadone treatment program, each separate program, whether an out-patient facility or a private practitioner, shall submit the applications specified in this section simultaneously to the Food and Drug Administration and the State authority and shall receive the approval of both, except as provided for in paragraph (h)(5) of this section. Before granting approval the Food and Drug Administration will first consult with the Bureau of Narcotics and Dangerous Drugs to determine compliance with Federal controlled substances laws. Each physical location within any program shall be identified and listed in the approval application. At the time of application for approval the program sponsor shall indicate whether medication will be administered or dispensed at the facility. If medication is to be administered or dispensed at a location not previously used for this purpose, prior approval from both agencies shall be obtained. If a facility in which medication is administered or dispensed is deleted by a program the Food and Drug Administration and the State authority shall be notified within 3 weeks. Addition or deletion of facilities which provide services other than administering or dispensing medication is permitted with notification within 3 weeks to the Food and Drug Administration and the State authority.

(2) *Methadone treatment medication unit.*—(i) *Defined.* A methadone treatment "medication unit" is a facility, established by a program sponsor as part of his program, from which licensed private practitioners and community pharmacists are permitted to administer and dispense methadone. These medication units may also collect urine for urine testing for narcotic drugs. Any such facility shall be geographically dispersed from the primary facility and other medication units that have been established. The enrollment in a medication unit shall be of reasonable size in relation to the space available for treatment and the size of the staff at the facility, and may not exceed 30 patients.

(ii) *Referral.* The patient shall be stabilized at his optimal dosage level before he may be referred to a medication unit. Since the medication unit will not provide a range of services, the program sponsor shall determine that the patient to be referred is not in need of frequent counseling, rehabilitative, and other services which are only available at the primary program facility. A patient may not be referred to a medication unit before he has demonstrated progress towards rehabilitation. The nature of this progress shall be entered in the patient's record.

(iii) *Responsibility for patient.* After a patient is referred to a medication unit, the program sponsor retains continuing responsibility for the patient's care. The program sponsor is responsible for assuring that the patient reports weekly for urinalysis at either the primary facility or the medication unit and receives needed medical and social services at least monthly at the primary facility.

(iv) *Services.* Medication units are limited to the administering or dispensing of medication and the collection of urine for urine testing, following the procedures outlined in paragraph (d)(6)(ii) of this section. If a private practitioner wishes to provide other services in addition to administering or dispensing medication and collecting urine samples, he shall be considered a program and shall be required to submit an application for separate approval.

(v) *Medication unit approval.* In order lawfully to operate a medication unit, the program shall obtain approval for each separate unit from both the Food

and Drug Administration and the State authority, except as provided for in paragraph (h)(5) of this section. Approval will be based on the distribution of these units within a particular geographic area. Any new medication unit shall receive such approval before commencing operation.

(vi) *Revocation of approval.* If the primary program's approval is revoked by the Food and Drug Administration the approval for the medication unit is automatically revoked. If a particular medication unit's approval is revoked, the approval of the primary program will remain in effect unless it is also revoked.

(vii) *Methadone supply.* The medication unit will receive its supply of the drug directly from the stocks of the primary facility. Only persons permitted to administer or dispense the drug or security personnel licensed or otherwise authorized by State law may deliver the drug to a medication unit.

(3) *Organizational structure; central administration.* (i) The program sponsor shall submit to the Food and Drug Administration and the State authority a description of the organizational structure of the program applying for approval, listing the name of the person responsible for the particular program, the address, and the responsibilities of each facility or medication unit. The sources of funding for each program shall be listed and the name and address of each governmental agency providing funding shall be stated.

(ii) Where two or more programs share a central administration (e.g., a city or state-wide organization), the person responsible for the organization (Administrator) shall be listed as program sponsor for each separate program participating. An individual program shall indicate its participation in the central organization at the time of its application. The Administrator is permitted to fulfill all recordkeeping and reporting requirements for these programs, but it is emphasized that the programs will continue to receive separate approval.

(iii) One individual is permitted to assume primary medical responsibility for more than one program and be listed as medical director. If an individual assumes medical responsibility for more than one program, the feasibility of such an arrangement shall be documented and attached to the application.

(4) *Prohibition against unapproved use of methadone.* No individual, practitioner, organization, or legal entity, may prescribe, administer, or dispense methadone without prior approval by the Food and Drug Administration and the State authority, except as provided for in paragraph (h)(5) of this section, unless specifically exempted by this section.

(c) *Conditions for approval of the use of methadone in a treatment program.*—(1) *Applicants.* An individual listed as program sponsor for a treatment program using methadone need not personally be a licensed practitioner but shall employ a licensed physician for the position of medical director. Persons responsible for administering or dispensing the medication shall be practitioners as defined by section 102(20) of the Controlled Substances Act (21 U.S.C. 802 (20)) licensed to practice by the State in which the program is to be established.

(2) *Assent to regulation.* A person who sponsors a methadone treatment program, and any person responsible for a particular program, shall agree to adhere to all the rules, directives, and procedures, set forth in this regulation, and any regulation regarding the use of methadone which may be promulgated in the future. The program sponsor, and person responsible for a particular program, shall agree to assume responsibility for any practitioners, employees, agents, or other individuals providing services, who work in their programs at the primary facility or at other facilities or medication units. The responsible persons shall agree to inform these people of the provisions of this regulation and to monitor their activities to assure compliance with the provisions. The Food and Drug Administration and the State authority shall be notified within 3 weeks of any replacement of the program sponsor or medical director. Activities in violation of this regulation may give rise to the sanctions set forth in paragraph (i) of this section.

(3) *Facilities.* To obtain program approval, the applicant shall demonstrate that he will have access to adequate physical facilities to provide all necessary services. The physical facilities should be sufficiently spacious and well maintained to provide appropriate conditions for conducting individual and/or group counseling.

(4) *Submission of proper applications.* The following applications shall be filed simultaneously with both the Food and Drug Administration and the State authority.

(i) Form FD 2632 "Application for Approval of Use of Methadone in a Treatment Program." This form, set forth in paragraph (k)(1) of this section, shall be completed and signed by the program sponsor and submitted in triplicate to the Food and Drug Administration and the State authority.

(ii) Form FD 2633 "Medical Responsibility Statement for Use of Methadone in a Treatment Program." This form, set forth in paragraph (k)(2) of this section, shall be completed and signed by each licensed physician authorized to administer or dispense methadone and submitted in triplicate to the Food and Drug Administration and the State authority. The names of any other persons licensed by law to administer or dispense narcotic drugs working in the program shall be listed, even if they are not at present responsible for administering or dispensing the drug.

(iii) Form FD 2634 "Annual Report for Treatment Program Using Methadone." This form, set forth in paragraph (k)(3) of this section, shall be completed and signed by the program sponsor for every program over which he has responsibility for each calendar year of operation. It shall be submitted in triplicate to the Food and Drug Administration and the State authority on or before January 30 of each year.

(5) *State and Federal approval of treatment programs.* Treatment programs using methadone shall have been reviewed by the State authority and must conform to all State requirements for conducting a methadone treatment program. The Food and Drug Administration must have received notification of the program's approval by the State agency. Only after the State authority has given its approval will the Food and Drug Administration grant approval to a program. The Food and Drug Administration will also revoke approval when recommended by the State authority. If State approval of a program is denied or revoked the program shall have a right of appeal to the Commissioner, as provided for in paragraph (h)(5) of this section. Prior to granting or withholding approval, the Food and Drug Administration will consult with the Bureau of Narcotics and Dangerous Drugs to determine the applicant's compliance with Federal controlled substances laws. No shipment of methadone may lawfully be made to any program which has not received approval from the Food and Drug Administration. The program sponsor will receive notification of approval or denial or a request for additional information, when necessary, within 60 days after receipt of the application by the Food and Drug Administration.

(d) *Requirements for operation of methadone treatment program.*—(1) *Description of facilities.* A program shall have ready access to a comprehensive range of medical and rehabilitative services. The name, address, and description of each hospital, institution, clinical laboratory, or other facility available to provide the necessary services shall be given to the Food and Drug Administration and the State authority. This listing shall include the name and address of each medication unit.

(2) *Approximate number of patients to be treated.* The program sponsor shall submit to the Food and Drug Administration and the State authority an approximation of the number of patients who will be treated, based on past history, addict population in the area, treatment capacity, or other relevant information.

(3) *Minimum admission standards.*—(i) *Voluntary participation; consent form.* Each patient shall be fully informed concerning the possible risk associated with the use of methadone. Participation in any program shall be voluntary. The person responsible for the program shall insure that all the relevant facts concerning the use of methadone are clearly and adequately explained to the patient and that all patients (including those under age 18) sign, with full knowledge and understanding of its contents, the first part of Form FD 2635 "Consent for Methadone Treatment" set forth in paragraph (k)(4) of this section and the parents or guardians of patients under age 18 sign the second part of that form.

(ii) *Physiologic addiction standards; records.* The mere use of a narcotic drug, even if periodic or intermittent, cannot be equated with narcotic addiction. Care

shall be exercised in the selection of patients to prevent the possibility of admitting a person who was not first dependent upon heroin or other morphine-like drugs at least 2 years prior to admission to maintenance treatment. This drug history and evidence of current physiologic dependence on morphine-like drugs shall be documented. Evidence of physical dependence should be obtained by noting early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilation, and piloerection) during the initial period of abstinence. Withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation (e.g., medical and personal history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection may require inpatient observation. It is unlikely that an individual would be currently dependent on narcotic drugs without having a positive urine test for one or more of these drugs. Additional evidence can be obtained by noting the presence of old and fresh needle marks, and by obtaining additional history from relatives and friends.

(iii) *Exceptions to physiologic addiction standards; justification.* An exception to the requirement for evidence of current physiologic dependence on narcotic drugs will be allowed only under exceptional circumstances. For example, maintenance treatment may be indicated prior to or within 1 week of release from a stay of 1 month or longer in a penal or chronic care institution, if an individual has a predetention history of dependence upon heroin or other morphine-like drugs at least 2 years prior to admission to the institution. Justification for any such exception shall be noted in the patient's record.

(iv) *Special limitations; treatment of patients under age 18.* (*a*) The safety and effectiveness of methadone when used in the treatment of adolescents has not been proven by adequate clinical study. Special procedures are therefore necessary to assure that patients under age 16 will not be admitted to a program and that patients between 16 and 18 years of age be admitted to maintenance treatment only under limited conditions.

(*b*) Patients between 16 and 18 years of age who are enrolled and under treatment in approved programs on the date of publication of this regulation may continue in maintenance treatment. No new patients between 16 and 18 years of age may be admitted to a maintenance treatment program after the date of publication of this regulation unless a parent, legal guardian, or responsible adult designated by the State authority completes and signs Form FD 2635 "Consent to Methadone Treatment," set forth in paragraph (k) (4) of this section. Methadone treatment of new patients between the ages of 16 and 18 years will be permitted after December 15, 1972, only with a documented history of two or more unsuccessful attempts at detoxification and a documented history of dependence on heroin or other morphine-like drugs beginning 2 years or more prior to application for treatment. No patient under age 16 may be continued or started on methadone treatment after December 15, 1972, but these patients may be detoxified and retained in the program in a drug free state for follow-up and after care.

(*c*) Patients under age 18 who are not placed in maintenance treatment may be detoxified. Detoxification may not exceed 3 weeks. A repeat episode of detoxification may not be initiated until 4 weeks after the completion of the previous detoxification.

(v) *Denial of admission.* If in the professional judgment of the medical director a particular patient would not benefit from methadone treatment, he may be refused such treatment even if he meets the admission standards.

(vi) *Patient evaluation; admission record.* An admission evaluation and record shall be made and maintained for each patient upon admission to the program. This evaluation and record shall consist of a personal history, a medical history, a physical examination, and any laboratory or other special examinations indicated in the judgment of the attending physician. It is recommended that a complete blood count, liver function tests, and a serologic test for lues be part of the admission evaluation.

(*a*) *Personal history.* A personal history record will be completed for each patient accepted for admission and will include at least age, sex, educational level, employment history, criminal history, past history of drug abuse of all types and prior treatment for drug abuse.

(*b*) *Medical history.* A thorough medical history record will be completed for each patient accepted for admission.

(*c*) *Physical examination.* The findings of a comprehensive physical examination will be recorded.

(4) *Staffing requirements.* As a minimum standard for the staffing of a treatment program there shall be the equivalent of one full-time physician licensed by and registered by State or Federal law to order, dispense, and administer methadone, two nurses (registered nurse or licensed practical nurse), and four counselors, for every 300 patients receiving maintenance treatment. The staffing pattern may be varied to fit the operational pattern and population characteristics of the program, but there shall always be at least one medical or osteopathic physician available for initial medical evaluation and follow-up care and to supervise the patient medication schedules for each 300 patients. This staffing pattern is not the recommended pattern, but the minimum staffing patern acceptable.

(5) *Acess to a range of services.* A treatment program shall provide a comprehensive range of medical and rehabilitative services to its patients. These services normally should be provided at the primary facility, but the program sponsor may enter into formally documented agreements with other public or private agencies, institutions, or organizations to render these services. Such facilities must be located so as to provide ease of access to the patient. Any service not furnished at the primary facility shall be listed, and the agreements to furnish those services shall be documented, when application for approval is submitted to the Food and Drug Administration and the State authority. Modification of the services shall be submitted in triplicate to the Food and Drug Administration as services are added or deleted.

(6) *Minimum procedures for ongoing care.*—(i) *Dosage and administration requirements.*—(*a*) *Form; packaging.* The methadone shall be administered or dispensed in oral form only when used in a treatment program. Hospitalized patients under care for a medical or surgical condition are permitted to receive methadone in parenteral form, when in the attending physican's professional judgment it is deemed advisable. Although tablet, syrup concentrate, or other formulations are permitted to be distributed to the program, all oral medication shall be administered or dispensed in a liquid formulation. The dosage will be formulated in such a way as to reduce its potential for parenteral abuse and accidental ingestion and packaged for outpatient use in special packaging as required by § 295.2 of this chapter. Any take-out medication shall be labeled with the treatment center's name, address and telephone number. Exceptions may be granted when any of the provisions of this subsection are in conflict with State law with regard to the administering or dispensing of drugs.

(*b*) *Detoxification treatment.* In detoxification the patient may be placed on a substitutive methadone administration schedule when there are significant symptoms of withdrawal. The dosage schedules indicated below are recommended but could be varied depending upon clinical judgment. Initially, a single oral dose of 15–20 milligrams of methadone will often be sufficient to suppress withdrawal symptoms. Additional methadone may be provided if withdrawal symptoms are not suppressed or whenever symptoms reappear. When patients are physically dependent on high doses of methadone, it may be necessary to exceed these levels. Forty milligrams per day in single or divided doses will usually constitute an adequate stabilizing dose level. Stabilization can be continued 2 to 3 days and then the amount of methadone will normally be gradually decreased. The rate at which methadone is decreased will be determined separately for each patient. The dose of methadone can be decreased on a daily basis or in 2-day intervals, but the amount of intake shall always be sufficient to keep withdrawal symptoms at a tolerable level. In hospitalized patients a daily reduction of 20 percent of the total daily dose usually will be tolerated and will cause little discomfort. In ambulatory patients, a somewhat slower schedule may be needed. If methadone is administered for more than 3 weeks, the procedure is considered to have progressed from detoxification or treatment of the acute withdrawal syn-

drome to maintenance treatment, even though the goal and intent may be eventual total withdrawal.

(c) *Maintenance treatment; special considerations for a pregnant patient.* (1) In maintenance treatment the initial dosage of methadone should control the abstinence symptoms that follow withdrawal of narcotic drugs, but should not be so great as to cause sedation, respiratory depression, or other effects of acute intoxication. It is important that the initial dosage be adjusted on an individual basis to the narcotic tolerance of the new patient. If such a patient has been a heavy user of heroin up to the day of admission, he may be given 20 milligrams 4 to 8 hours later, or 40 milligrams in a single oral dose. If he enters treatment with little or no narcotic tolerance (e.g. if he has recently been released from jail or other confinement), the initial dosage may be one-half these quantities. When there is any doubt, the smaller dose should be used initially. The patient should then be kept under observation, and, if symptoms of abstinence are distressing, additional 10 milligram doses may be administered as needed. Subsequently, the dosage should be adjusted individually, as tolerated and required, up to a level of 120 milligrams daily. For daily dosages above 100 milligrams patients shall ingest medication under observation 6 days per week. These patients will be allowed take-home medication for 1 day per week only. Those patients in treatment on the date this regulation becomes effective who are receiving a take-home dose of more than 100 milligrams per day shall have their dosage level reduced to 100 milligrams per day or less by June 13, 1973. A daily dose of 120 milligrams or more shall be justified in the medical record. For daily dosages above 120 milligrams, prior approval from State authority and the Food and Drug Administration shall be obtained beginning on March 15, 1973. For take-home doses above 100 milligrams per day, prior approval from the State authority and the Food and Drug Administration shall be obtained beginning on June 13, 1973. A regular review of dosage level should be made by the responsible physician with careful consideration given for reduction of dosage as indicated on an individual basis. A new dosage level is only a test level until stability is achieved.

(2) Caution shall be taken in the maintenance treatment of pregnant patients. Dosage levels shall be maintained as low as possible if continued methadone treatment is deemed necessary. It is the responsibility of the program sponsor to assure that each female patient is fully informed concerning the possible risks to a pregnant woman or her unborn child from the use of methadone.

(d) *Authorized dispensers of methadone; responsibility.* Methadone will be administered or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This agent may only be a pharmacist, registered nurse, or licensed practical nurse depending upon the State regulations regarding narcotic drug dispensing and administering. The licensed practitioner assumes responsibility for the amounts of methadone administered or dispensed and all changes in dosage schedule will be recorded and signed by the licensed practitioner.

(7) *Frequency of attendance; take-home medication.*—(i) *For detoxification, the drug shall be administered daily under close observation.* In maintenance treatment the patient will initially ingest the drug under observation daily, or at least 6 days a week, for the first 3 months. It is recognized that diversion occurs primarily when patients take medication from the clinic for self-administration. It is also recognized, however, that daily attendance at a program facility may be incompatible with gainful employment, education, and responsible homemaking. After demonstrating satisfactory adherence to the program regulations for at least 3 months, and showing substantial progress in rehabilitation by participating actively in the program activities and/or by participation in educational, vocational, and homemaking activities, those patients whose employment, education, or homemaking responsibilities would be hindered by daily attendance may be permitted to reduce to three times weekly the times when they must ingest the drug under observation. They shall receive no more than a 2-day take-home supply. With continuing adherence to the program's requirements and progressive rehabilitation for at least 2 years after entrance into the program, such patients may be permitted twice weekly visits to the program for drug ingestion under observation with a 3-day take-home supply. Prior to reducing the frequency of visits, documentation of the patient's progress and the need for reducing the frequency of visits shall be recorded. The requirements and schedule for when the drug must be ingested under observation may be relaxed if the patient has a serious physical disability which would prevent frequent visits to the program facility. The Food and Drug Administration and the State authority shall be notified of such cases. Additional medication may also be provided in exceptional circumstances such as acute illness, family crises, or necessary travel when hardship would result from requiring the customary observed medication intake for the specific period. In these circumstances the reasons for providing additional medication will be recorded. In circumstances of severe illness, infirmity or physical disability, an authorized individual (e.g. a licensed practitioner) may deliver or obtain the medication.

(ii) *Urine testing—(a) Schedule of testing; substances tested for.* In maintenance treatment, a urinalysis will be performed randomly at least weekly for morphine and monthly for methadone, barbiturates, amphetamines and other drugs if indicated. Those patients receiving their doses of the drug from medication units will also adhere to this schedule. The urine shall be collected at the program's primary facility or at the medication unit.

(b) *Method of collection.* Urine shall be collected in a manner which minimizes falsification of the samples. The reliability of this collection procedure shall be demonstrated.

(c) *Laboratories.* Laboratories used for urine testing shall participate in and be approved by any proficiency testing program designated by the Food and Drug Administration. Any changes made in laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

(iii) *Patient's clinical record.* An adequate clinical record will be maintained for each patient. The record will contain a copy of the signed consent form(s), the date of each visit, the amount of methadone administered or dispensed, the results of each urinalysis, a detailed account of any adverse reactions, which will also be reported within 2 weeks to the Food and Drug Administration on Form FD-1639, "Drug Experience Report," any significant physical or psychological disability, the type of rehabilitative and counseling efforts employed, an account of the patient's progress, and other relevant aspects of the treatment program. For recordkeeping purposes, if a patient misses appointments for 2 weeks or more without notifying the program, the episode of care is considered terminated and so noted in the clinical record. This does not mean that the patient cannot return for care. If the patient does return for care and is accepted into the program, this is considered a readmission and so noted in the clinical record. This method of recordkeeping helps assure the easy detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., the patient who has received no medication for several days or more and upon return receives the usual stabilization dose). An annual evaluation of the patient's progress will be recorded in the clinical record(s).

(8) *Discontinuation of methadone use.* All patients in treatment will be given careful consideration for discontinuation of methadone use, especially after reaching a 10–20 milligram dosage level. Social rehabilitation shall have been maintained for a reasonable period of time. Patients should be encouraged to pursue the goal of eventual withdrawal from methadone and becoming completely drug free. Upon successfully reaching a drug-free state the patient should be retained in the program for as long as necessary to assure stability in the drug-free state, with the frequency of his required visits adjusted at the discretion of the director.

(9) *Record of drug dispensing.* Accurate records traceable to specific pa-

tients shall be maintained showing dates, quantity, and batch or code marks of the drug dispensed. These records shall be retained for a period of 3 years.

(10) *Security of drug stocks.* Adequate security shall be maintained over stocks of methadone, over the manner in which it is administered or dispensed, over the manner in which it is distributed to medication units, and over the manner in which it is stored to guard against theft and diversion of the drug. The security standards for the distribution and storage of controlled substances as required by the Bureau of Narcotics and Dangerous Drugs (§§ 301.72–301.76 of this title) shall be met by the program.

(11) *Inspections of programs; patient confidentiality.* Inspection of a program may be undertaken by the State authority, by the Food and Drug Administration and by the Bureau of Narcotics and Dangerous Drugs in accordance with Federal controlled substances laws. The identity of patients will be kept confidential except (i) when it is necessary to make follow-up investigations on adverse effect information related to use of the drug, (ii) when the medical welfare of the patient would be threatened by a failure to reveal such information, or (iii) when it is necessary to verify records relating to approval of the program or any portion thereof. In all circumstances the provision of 21 CFR Part 401 shall be followed.

(12) *Exemptions from specific program standards.*—(i) A program is permitted, at the time of application or any time thereafter, to request exemption from or revision of specific program standards. The rationale for an exemption or revision shall be thoroughly documented in an appendix to be submitted with the application or at some later time. An example of a case in which an exemption might be granted would be for a private practitioner who wishes to treat a limited number of patients and requests exemption from some of the staffing and service standards in a nonmetropolitan area with few physicians and no rehabilitative services geographically accessible. The Food and Drug Administration will approve such exemptions or revisions of program standards at the time of application with the concurrence of the State authority.

(ii) The Food and Drug Administration has the right to withhold the granting of an exemption until such time as a program is in actual operation in order to assess if the exemption is necessary. If periodic inspections of the program reveal that discrepancies or adverse conditions exist, the Food and Drug Administration shall reserve the right to revoke any or all exemptions previously granted.

(13) *Additional reporting requirements.*—(i) *Deaths.* The program sponsor shall report any patient death which is considered methadone related to the Food and Drug Administration within 2 weeks, using Form FD–1639 "Drug Experience Report."

(ii) *Newborns.* The program sponsor shall report to the Food and Drug Administration the birth of any child to a female patient, if the newborn is premature or shows any adverse reactions which, in the opinion of the attending physician, are due to methadone, within 1 month of the birth, using Form FD–1639 "Drug Experience Report."

(e) *Multiple enrollments.*—(1) *Administering or dispensing to patients enrolled in other programs.* There is a danger of drug dependent persons attempting to enroll in more than one methadone treatment program to obtain quantities of methadone for the purpose of self-administration or illicit marketing. Therefore, except in an emergency situation, methadone shall not be provided to a patient who is known to be currently receiving the drug from another treatment program using methadone.

(2) *Patient attendance requirements.* The patient shall always report to the same treatment facility unless prior approval is obtained from the program sponsor for treatment at another program. Permission to report for treatment at the facility of another program shall be granted only in exceptional circumstances and shall be noted on the patient's clinical record.

(3) *Multiple enrollment prevention.* To prevent multiple enrollments, the program shall agree to participate in any patient identification system that exists or is designated and approved by the Food and Drug Administration. Information that would identify a patient shall be kept confidential in compliance with Part 401 of this title.

(f) *Conditions for use of methadone in hospitals for analgesia in severe pain, for detoxification, and for temporary maintenance treatment*—(1) *Form.* The drug may be administered or dispensed in either oral or parenteral form.

(2) *Use of methadone in hospitals*—(i) *Approved uses.* Methadone is permitted to be administered or dispensed only for detoxification or temporary treatment of hospitalized patients, and for analgesia in severe pain for hospitalized patients and outpatients. If methadone is administered for treatment of heroin dependence for more than 3 weeks, the procedure passes from treatment of the acute withdrawal syndrome (detoxification) to maintenance treatment. Maintenance treatment is permitted to be undertaken only by approved methadone programs. This does not preclude the maintenance treatment of an addict who is hospitalized for treatment of medical conditions other than addiction and who requires temporary maintenance treatment during the critical period of his stay or whose enrollment in a program which has approval for maintenance treatment using methadone has been verified. Any hospital which already has received approval under this paragraph (f) may be permitted to serve as a temporary methadone treatment program when an approved methadone treatment program has been terminated and there is no other facility immediately available in the area to provide methadone treatment for the patients. The Food and Drug Administration may give this approval upon the request of the State authority or the hospital, when no State authority has been established.

(ii) *Individual responsible for supplies.* The name of the individual (pharmacist) responsible for receiving and securing supplies of methadone shall be submitted to the Food and Drug Administration and the State authority. Individuals not authorized by Federal or State law shall not receive supplies of methadone.

(iii) *General description.* A general description of the hospital including the number of beds, specialized treatment facilities for drug dependence, and nature of patient care undertaken shall be submitted.

(iv) *Anticipated quantity of drug needed.* The anticipated quantity of methadone needed per year shall be submitted.

(v) *Records.* The hospital shall maintain accurate records showing dates, quantity, and batch or code marks of the drug used for in patient and out patient treatment. The records shall be retained for a period of 3 years.

(vi) *Inspections.* The Food and Drug Administration and the State authority may inspect supplies of the drug and evaluate the uses to which the drug is being put. The identity of the patient will be kept confidential except (*a*) when it is necessary to make followup investigations on adverse effect information related to the drug, (*b*) when the medical welfare of the patient would be threatened by a failure to reveal such information, or (*c*) when it is necessary to verify records relating to approval of the hospital or any portion thereof. The confidentiality requirements of Part 401 of this title shall be followed. Records relating to the receipt, storage, and distribution of narcotic medication shall also be subject to inspection as provided by Federal controlled substances laws; but use or disclosure of records identifying patients will, in any case, be limited to actions involving the program or its personnel.

(vii) *Approval of hospital pharmacy.* Application for a hospital pharmacy to provide methadone for analgesia, detoxification and temporary treatment will be submitted to the Food and Drug Administration and the State authority and shall receive approval from both, except as provided for in paragraph (h) (5) of this section. Within 60 days after receipt of the application by the Food and Drug Administration, the applicant will receive notification of approval or denial or a request for additional information, when necessary.

(viii) *Approval of shipments to hospital pharmacies.* Before a hospital pharmacy may lawfully receive shipments of methadone for use as an analgesic for severe pain and for detoxification or temporary maintenance treatment, a responsible hospital official shall complete,

sign, and file in triplicate with the Food and Drug Administration and the State authority Form FD 2636, "Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification and Temporary Maintenance Treatment" set forth in paragraph (k)(5) of this section and shall receive a notice of approval thereof from the Food and Drug Administration.

(ix) *Sanctions.* Failure to abide by the requirements described in this section may result in revocation of approval to receive shipments of methadone, seizure of the drug supply on hand, injunction, and criminal prosecution.

(3) *Treatment of outpatients.*—(i) If in a physician's professional judgment methadone would be the drug of choice as an analgesic for treating a patient in severe pain, the drug will be available for use on an out-patient basis from an approved hospital pharmacy, or in a remote area from an approved community pharmacy. Prior to filing a physician's prescription for methadone for outpatients, the pharmacy shall obtain from the physician a statement indicating that all such prescriptions written by him will be limited to use for analgesia in severe pain. The physician shall agree to maintain records to substantiate such use. These records will be available in the hospital or made available at the request of the hospital administrator. In remote areas the approved community pharmacy is permitted to maintain these records or they may be forwarded to the State authority. On January 30 of each year, the names and addresses of all physicians who prescribed methadone for analgesia on an outpatient basis during the previous year shall be reported to the Food and Drug Administration.

(ii) Prescriptions for analgesia may be filled only if they are written by a physician who has submitted the required statement to the approved hospital or community pharmacy.

(4) *Shipments to remote areas.* In remote areas or in certain exceptional circumstances where there are no approved hospitals, community pharmacies may be approved by the Food and Drug Administration to receive shipments of methadone for administering or dispensing for analgesia upon the recommendation of the State authority and after consultation with the Bureau of Narcotics and Dangerous Drugs.

(g) *Confidentiality of patient records.*—(1) Except as provided in subparagraph (2) of this paragraph, disclosure of patient records maintained by any program shall be governed by the provisions of Part 401 of this title, and every program shall comply with the provisions of that part. Records relating to the receipt, storage, and distribution of narcotic medication shall also be subject to inspection as provided by Federal controlled substances laws; but use or disclosure of records identifying patients will, in any case, be limited to actions involving the program or its personnel.

(2) In addition to the restrictions upon disclosure in Part 401 of this title, and in accordance with the authority conferred by section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)), every program is hereby further authorized to protect the privacy of patients therein by withholding from all persons not employed by such program or otherwise connected with the conduct of its operations the names or other identifying characteristics of such patients under any circumstances under which such program has reasonable grounds to believe that such information may be used to conduct any criminal investigation or prosecution of a patient. Programs may not be compelled in any Federal, State, or local civil, criminal, administrative, or other proceedings to furnish such information, but this subparagraph does not authorize the withholding of information authorized to be furnished pursuant to § 401.44 of this title nor does it invalidate any legal process to compel the furnishing of information in accordance with § 401.44 of this title. Records relating to the receipt, storage, and distribution of narcotic medication shall also be subject to inspection as provided by Federal controlled substances laws; but use or disclosure of records identifying patients will, in any case, be limited to actions involving the program or its personnel.

(3) A treatment program or medication unit or any part thereof, including any facility or any individual, shall permit a duly authorized employee of the Food and Drug Administration to have access to and to copy all records relating to the use of methadone. Patient identities shall be revealed (i) when it is necessary to make follow-up investigations on adverse effect information related to the drug, (ii) when the medical welfare of the patient would be threatened by a failure to reveal such information, or (iii) when it is necessary to verify records relating to any approval or any portion thereof under this section. The Food and Drug Administration will retain such identities in confidence pursuant to § 401.44 of this title and shall reveal them only when necessary in a related administrative or court proceeding.

(h) *Denial or revocation of approval.*—(1) Complete or partial denial or revocation of approval of an application to receive shipments of methadone (Forms FD 2632 "Application for Approval of Use of Methadone in a Treatment Program" and FD 2636 "Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification and Maintenance Treatment") may be proposed to the Commissioner of Food and Drugs by the Director of the Food and Drug Administration's Bureau of Drugs, on his own initiative or at the request of representatives of the Bureau of Narcotics and Dangerous Drugs, National Institute of Mental Health, the State authority, or any other interested person.

(2) Before presenting such a proposal to the Commissioner, the Director of the Bureau of Drugs or his representative will notify the applicant in writing of the proposed action and the reasons therefor and will offer him an opportunity to explain the matters in question in an informal conference and/or in writing within 10 days after receipt of such notification. The applicant shall have the right to hear and to question the information on which the proposal to deny or revoke approval is based, and may present any oral or written information and views.

(3) If the explanation offered by the applicant is not accepted by the Bureau of Drugs as sufficient to justify approval of the application, and denial or revocation of approval is therefore proposed, the Commissioner will evaluate information obtained in the informal hearing before the Director of the Bureau of Drugs. If he finds that the applicant has failed to submit adequate assurance justifying approval of the application, he shall issue a notice of opportunity for hearing with respect to the matter pursuant to § 130.14 and the matter shall thereafter be handled in accordance with established procedures for denial or revocation of approval of a new drug application. If the Secretary determines that there is an imminent hazard to health, revocation of approval will become effective immediately and any administrative procedures will be expedited. Upon revocation of approval of an application, the Commissioner will notify the applicant, the State authority, the Bureau of Narcotics and Dangerous Drugs, and all other appropriate persons that the applicant may no longer receive shipments of methadone, and will require the recall of all methadone from the applicant. Revocation of approval may also result in criminal prosecution.

(4) Denial or revocation of approval may be reversed when the Commissioner determines that the applicant has justified approval of the application.

(5) A treatment program or medication unit or any part thereof, including any facility or any individual, may appeal to the Food and Drug Administration a complete or partial denial or revocation of approval by the State authority unless the denial or revocation is based upon a State law or regulation. The appeal shall first be made to the Director of the Bureau of Drugs, who shall hold an informal conference on the matter in accordance with subparagraph (2) of this paragraph. The State authority may participate in the conference. The appellant or the State authority may appeal the Director's decision to the Commissioner, who shall decide the matter in accordance with subparagraph (3) of this paragraph. If the Commissioner denies or revokes approval, such action shall be handled in accordance with subparagraph (3) of this paragraph. The Commissioner may not grant or retain Food and Drug Administration approval if he finds that the appellant is not in compliance with all applicable State laws and regulations and with this section.

(i) *Sanctions.*—(1) *Program sponsor or individual responsible for a particular program.* If the program sponsor or the person responsible for a particular program fails to abide by all the requirements set forth in these regulations, or

fails to adequately monitor the activities of those employed in the program, he may have the approval of his application revoked, his methadone supply seized, an injunction granted precluding operation of his program, and criminal prosecution instituted against him.

(2) *Persons responsible for administering or dispensing methadone.* If a person responsible for administering or dispensing methadone fails to abide by all the requirements set forth in these regulations, criminal prosecution may be instituted against him, his drug supply may be seized, the approval of the program may be revoked, and an injunction may be granted precluding operation of the program.

(j) *Requirements for distribution of methadone by manufacturers.*—(1) *Distribution requirements.* Shipments of the drug are restricted to direct shipments by manufacturers of methadone to approved treatment programs using methadone, to approved hospital pharmacies, and to approved selected community pharmacies. If requested by a manufacturer or State authority, wholesale pharmacy outlets in some regions or States may be authorized to stock methadone for that area and then trans-ship the drug to approved methadone treatment programs and approved hospital and community pharmacies. Alternative methods of distribution will be permitted if they are approved by the Food and Drug Administration and the State authority. Prior to any approval of an alternative method of distribution there will be consultation with the Bureau of Narcotics and Dangerous Drugs to assure compliance with its regulations regarding controlled substance distribution.

(2) *Information regarding approved programs, hospitals, and community pharmacies.* The Food and Drug Administration will provide methadone manufacturers and the public with the names and locations of programs, hospitals, and selected community pharmacies that have been approved to receive shipments of the drug. All information contained in the forms set out in paragraph (k) of this section is available for public disclosure except for names or other identifying information with respect to patients.

(3) *Acceptance of delivery.* Delivery shall only be made to a licensed practitioner employed at the facility. At the time of delivery the licensed practitioner shall sign for the methadone and place his specific title and identification number on any invoice. Copies of these signed invoices shall be kept by the manufacturer.

(k) *Program forms.*—(1) *Treatment Program Application.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD 2632 Application for Approval of Use of Methadone in a Treatment Program

Name or other identification of program_____
_____
Address _____
Name of program sponsor_____

Commissioner,
Food and Drug Administration,
Bureau of Drugs (BD–106),
Rockville, Md. 20852.

DEAR SIR: As the person responsible for this program, I submit this request for approval of a treatment program using methadone to provide detoxification and maintenance treatment for narcotic addicts in accordance with § 130.44 of the new drug regulations. I understand that failure to abide by the requirements described below may cause revocation of approval of my application, seizure of my drug supply, an injunction, and criminal prosecution.

I. Attached is the name, complete address, and a summary of the scientific training and experience of each physician and all other professional personnel having major responsibilities for the program and rehabilitative efforts, and a signed Form FD 2633 "Medical Responsibility Statement for Use of Methadone in a Treatment Program" for every licensed practitioner authorized to prescribe, dispense, or administer methadone under the program. (If the Medical Director of this program has been listed for a program in a previous application, the feasibility of serving as Medical Director for this program must be documented and this documentation attached to this application.)

II. Attached is a description of the organizational structure of this program and the name and complete address of any central administration or larger organizational structure to which this program is responsible.

III. Attached is a listing of the sources of funding for this program. (The name and address for each governmental agency providing funding must be provided.)

IV. The program shall have ready access to a comprehensive range of medical and rehabilitative services. Attached is the name, address, and description of each hospital, institution, clinical laboratory facility, or other facility available to provide the necessary services and a statement for each facility as to whether or not methadone will be administered or dispensed at that facility. These facilities shall comply with any guidelines established by Federal or State authorities. (This listing should include the address of each medication unit. If any medical or rehabilitative service is not available at the primary facility, there must be a formal, documented agreement with private or public agencies, organizations, or institutions for these services.)

V. Attached is a statement of the approximate number of addicts to be included in the program.

VI. The following minimal treatment standards shall be followed:

A. A statement shall be given to the addicts to inform them about the program. A voluntary request and consent Form FD 2635 "Consent to Methadone Treatment" shall be signed by each patient. Participation in the program shall be voluntary.

B. I concur that the mere use of a narcotic drug, even if periodic or intermittent, cannot be equated with narcotic addiction. Care shall be exercised in the selection of patients to prevent the possibility of admitting a person who was not first dependent upon heroin or other morphine-like drugs at least 2 years prior to admission to maintenance treatment. This drug history and evidence of current physiologic dependence on morphine-like drugs shall be documented. Evidence of physical dependence should be obtained by noting early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilation, and piloerection) during the initial period of abstinence. (Withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation—(medical and personal history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection may require inpatient observation. It is unlikely that an individual would be currently dependent on narcotic drugs without having a positive urine test for one or more of these drugs. Additional evidence can be obtained by noting the presence of old and fresh needle marks, and by obtaining additional history from relatives and friends.)

C. An exception to the requirement for evidence of current physiologic dependence on narcotic drugs will be allowed under exceptional circumstances. For example, methadone treatment may be initiated prior to or within 1 week of release from a stay of 1 month or longer in a penal or chronic care institution if an individual has a pre-detention history of dependence upon heroin or other morphine-like drugs at least 2 years prior to admission to the institution. Justification for any such exception shall be noted on the patient's record.

D. Patients between 16 and 18 years of age who are enrolled and under treatment in approved programs on December 15, 1973 may continue in maintenance treatment. No new patients between 16 and 18 years of age may be admitted to a maintenance treatment program after such date unless a parent, legal guardian, or responsible adult designated by the State authority completes and signs consent form, Form FD 2635 "Consent to Methadone Treatment." Methadone treatment of new patients between the ages of 16 and 18 years of age will be permitted after such date only with a documented history of two or more unsuccessful attempts at detoxification and a documented history of dependence on heroin or other morphine-like drugs beginning 2 years or more prior to application for treatment. No patient under age 16 may be continued or started on methadone treatment after such date but these patients may be detoxified and retained in the program in a drug-free state for follow-up and aftercare. Patients under age 18 who are not placed in maintenance treatment may be detoxified. Detoxification may not exceed 3 weeks. A repeat episode of detoxification may not be initiated until 4 weeks after the completion of the previous detoxification.

VII. An admission evaluation and record shall be made and maintained for each patient upon admission to the program. This evaluation and record shall consist of a personal history, a medical history, a physical examination, and any laboratory or other special examinations as indicated in the judgment of the attending physician. (It is recommended that a complete blood count, liver function tests, and a serologic test for lues be part of the admission evaluation.)

A. A personal history record will include at least age, sex, educational level, employment history, criminal history, past history of drug abuse of all types, and prior treatment for drug abuse.

B. Medical history. A thorough medical history record will be completed for each patient accepted for admission.

C. Physical examination. The findings of a comprehensive physical examination will be recorded.

VIII. I understand that there is a danger of drug dependent persons attempting to enroll in more than one methadone treatment program to obtain quantities of methadone either for the purpose of self-administration or illicit marketing. To prevent such multiple enrollments, I will participate in whatever local, regional, or national patient identification system exists and I state my

intention to participate in any system that may be developed and approved by the Food and Drug Administration unless I notify the Food and Drug Administration, in writing, to the contrary. I understand failure to participate may cause revocation of approval of my application. Except in an emergency situation, methadone will not be provided to a patient who is known to be currently receiving the drug from another treatment program using methadone. Except as provided in item XV of this form, information that could identify the patient will be kept confidential in compliance with 21 CFR Part 401.

IX. The following minimal procedures will be used for ongoing care.

A. Dosage and administration for detoxification and maintenance treatment:

1. Methadone will be administered or dispensed in oral form only when used in a treatment program. Hospitalized patients under care for medical or surgical condition are permitted to receive methadone in parenteral form, when in the attending physician's professional judgment it is deemed advisable. Although tablet, sirup concentrate, or other formulations are permitted to be distributed to the program, all oral medication shall be administered or dispensed in a liquid formulation. The dosage shall be formulated in such a way as to reduce its potential for parenteral abuse and accidental ingestion, and packaged for outpatient use in special packaging as required by 21 CFR 295.2. Any take-out medication shall be labeled with the treatment center's name, address, and telephone number. Exceptions may be granted when any of the provisions of this subsection are in conflict with State law with regard to the administering or dispensing of drugs.

2. In detoxification, the patient may be placed on a substitutive methadone administration schedule when there are significant symptoms of withdrawal. The dosage schedules indicated below are recommended but may be varied depending upon clinical judgment. Initially, a single oral dose of 15–20 milligrams of methadone will often be sufficient to suppress withdrawal symptoms. Additional methadone may be provided if withdrawal symptoms are not suppressed or whenever symptoms reappear. When patients are physically dependent on high doses of methadone, it may be necessary to exceed these levels. Forty milligrams per day in single or divided doses will usually constitute an adequate stabilizing dose level. Stabilization can be continued for 2 to 3 days and then the amount of methadone will normally be gradually decreased. The rate at which methadone is decreased will be determined separately for each patient. The dose of methadone can be decreased on a daily basis or in 2-day intervals, but the amount of intake shall always be sufficient to keep withdrawal symptoms at a tolerable level. In hospitalized patients a daily reduction of 20 percent of the total daily dose usually will be tolerated and will cause little discomfort. In ambulatory patients, a somewhat slower schedule may be needed. If methadone is administered for more than 3 weeks, the procedure is considered to have progressed from detoxification or treatment of the acute withdrawal syndrome to maintenance treatment, even though the goal and intent may be eventual total withdrawal.

3. In maintenance treatment the initial dosage of methadone should control the abstinence symptoms that follow withdrawal of narcotic drugs but should not be so great as to cause sedation, respiratory depression, or other effects of acute intoxification. It is important that the initial dosage be adjusted on an individual basis to the narcotic tolerance of the new patient. If such a patient has been a heavy user of heroin up to the day of admission, he may be given 20 milligrams orally for the first dose and another 20 milligrams 4 to 8 hours later, or 40 milligrams in a single oral dose. If he enters treatment with little or no narcotic tolerance (e.g., if he has recently been released from jail or other confinement), the initial dosage may be one-half these quantities. When there is any doubt, the smaller dose should be used initially. The patient should then be kept under observation, and, if symptoms of abstinence are distressing, additional 10-milligram doses may be repeated as needed. Subsequently, the dosage should be adjusted individually, as tolerated and required, to a level of 120 milligrams daily. For daily dosages above 100 milligrams patients shall ingest medication under observation 6 days per week. These patients will be allowed take-home medication for 1 day per week only. Those patients in treatment on December 15, 1972 who are receiving a take-home dose of more than 100 milligrams per day shall have their dosage level reduced to 100 milligrams per day or less by June 13, 1973. A daily dose of 120 milligrams or more shall be justified in the medical record. For daily dosages above 120 milligrams or, beginning June 13, 1973, for take-home doses above 100 milligrams per day, prior approval shall be obtained from the Food and Drug Administration and the State authority. A regular review of dosage level should be made by the responsible physician with careful consideration given for reduction of dosage as indicated on an individual basis. A new dosage level is only a test level until stability is achieved.

4. Caution shall be taken in the maintenance treatment of pregnant patients. Dosage levels shall be maintained as low as possible if continued methadone treatment is deemed necessary. It is the responsibility of the program to assure that each female patient is fully informed concerning the possible risks to a pregnant woman or her unborn child from the use of methadone.

5. Methadone will be administered or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This agent may be a pharmacist, registered nurse, or licensed practical nurse, depending upon the State regulations regarding narcotic drug dispensing and administering. The licensed practitioner assumes responsibility for the amounts of methadone administered or dispensed and all changes in dosage schedule shall be recorded and signed by the licensed practitioner.

6. For detoxification, the drug shall be administered daily under close observation. In maintenance treatment the patient initially will ingest the drug under observation daily, or at least 6 days a week, for the first 3 months. It is recognized that diversion occurs primarily when patients take medication from the clinic for self-administration. It is also recognized, however, that daily attendance at a program facility may be incompatible with gainful employment, education, and responsible homemaking. After demonstrating satisfactory adherence to the program regulations for at least 3 months and showing substantial progress in rehabilitation by participating actively in the program activities and/or by participation in educational, vocational, and homemaking activities, those patients whose employment, education, or homemaking responsibilities would be hindered by daily attendance may be permitted to reduce to 3 times weekly the times when they must ingest the drug under observation. They shall receive no more than a 2 day take-home supply. With continuing adherence to the program's requirements and progressive rehabilitation for at least 2 years after entrance into the program, such patients may be permitted twice weekly visits to the program for drug ingestion under observation with a 3 day take-home supply. Prior to reducing the frequency of visits, documentation of the patient's progress and the need for reducing the frequency of visits shall be recorded. The requirements and schedule for when the drug must be ingested under supervision may be relaxed if the patient has a serious physical disability which would prevent frequent visits to the program facility. The Food and Drug Administration and the State authority shall be notified of such cases. Additional medication may also be provided in exceptional circumstances such as acute illness, family crises, or necessary travel when hardship would result from requiring the customary observed medication intake for the specific period. In such circumstances the reasons for providing additional medication will be recorded in the clinical record. In circumstances of severe illness, infirmity or physical disability, an authorized individual (e.g., a licensed practitioner) may deliver or obtain the medication.

B. In maintenance treatment, a urinalysis will be performed randomly at least weekly for morphine and monthly for methadone, barbiturates, amphetamines, and other drugs if indicated. Those patients receiving their doses of the drug from medication units will also adhere to this schedule. The urine shall be collected in a manner which minimizes falsification of the samples. The reliability of this collection procedure shall be demonstrated. Laboratories used for urine testing shall participate in and be approved by any proficiency testing program designated by the Food and Drug Administration. Any changes in laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

C. An adequate clinical record will be maintained for each patient. The record will contain a copy of the signed consent form(s), the date of each visit, the amount of methadone administered or dispensed, the results of each urinalysis, a detailed account of any adverse reactions, which will also be reported within 2 weeks to the Food and Drug Administration on Form FD–1639, "Drug Experience Report", any significant physical or psychologic disability, the type of rehabilitative and counseling efforts employed, an account of the patient's progress, and other relevant aspects of the treatment program. For recordkeeping purposes, if a patient misses appointments for 2 weeks or more without notifying the program, the episode of care is considered terminated and so noted in the clinical record. This does not mean that the patient cannot return for care. If the patient does return for care and is accepted into the program, this is considered a readmission and so noted in the clinical record. This method of recordkeeping helps assure the easy detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., the patient who has received no medication for several days or more and upon return receives the usual stabilization dose). An annual evaluation of the patient's progress will be recorded in the clinical record.

D. All patients in maintenance treatment will be given careful consideration for discontinuance of methadone, especially after reaching a 10–20 milligram dosage level. Social rehabilitation shall have been maintained for a reasonable period of time. Patients should be encouraged to pursue the goal of eventual withdrawal from methadone and becoming completely drug-free. Upon successfully reaching a drug-free state the patient should be retained in the program for as long as necessary to assure stability in the drug-free state, with the frequency of

his required visits adjusted at the discretion of the director.

X. To prevent diversion into illicit channels, adequate security shall be maintained over stocks of methadone and over the manner in which it is distributed, as required by the Bureau of Narcotics and Dangerous Drugs.

XI. Accurate records traceable to patients shall be maintained showing dates, quantity, and batch or code marks of the drug used. These records shall be retained for a period of 3 years.

XII. The program director may establish geographically dispersed medication units of reasonable size for administering and dispensing medication to patients stabilized at their optimal dosage level. The approval of such units for any geographic area shall be based upon the number and distribution of such units within the area. No more than 30 patients shall be under care at a medication unit at any one time. These units shall be responsible only for administering and dispensing medication. Private practitioners and community pharmacies may serve as medication units. Only after patients have been stabilized at their optimal initial dosage level may they be referred to a medication unit. Subsequent to such referral, the program director shall retain continuing responsibility for the patient's care and the patient shall be seen at the primary program facility at least monthly for medical evaluation and ancillary service. If a private practitioner wishes to provide other service in addition to administering and dispensing medication and collecting urine samples, the practitioner is considered a program component or a separate program, depending upon the type of services provided. In such case the restrictions on the number of patients served shall be determined by the staffing pattern and resources available.

XIII. All representations in this application are currently accurate, and no changes shall be made in the program until they have been approved by the Food and Drug Administration and the State authority.

XIV. If the program or any individual under the program is disapproved, the program director shall recall the methadone from the disapproved sources and return the drug to the manufacturer in a manner prescribed by the Bureau of Narcotics and Dangerous Drugs.

XV. Inspections of this program may be undertaken by the State authority, by the Food and Drug Administration and by the Bureau of Narcotics and Dangerous Drugs in accordance with Federal controlled substances laws. The identity of patients will be kept confidential except when it is necessary to make follow-up investigations on adverse effect information related to use of the drug, when the medical welfare of the patient would be threatened by a failure to reveal such information, or when it is necessary to verify records relating to approval of the program or any portion thereof. In all circumstances the provisions of 21 CFR Part 401 shall be followed.

Signature _____
(Program sponsor)

(2) *Medical Responsibility Statement.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD *2633* Medical Responsibility Statement for Use of Methadone in a Treatment Program

(To be completed by each physician licensed to dispense or administer methadone under an approved program.)

Date _____
Name of program _____
Address _____
Telephone number _____

Medical Director for this facility (licensed by law to administer or dispense drugs and responsible for all medication administered or dispensed at this facility).

Address of this facility _____
Telephone number of this facility _____

I. The undersigned agrees to assume responsibility for the administration and dispensing of methadone under the above identified program and to abide by the required standards for methadone detoxification and maintenance treatment.

II. The name of each patient treated at a facility and the frequency of visits shall be registered with the medical director. An annual report Form FD 2634 "Annual Report for Treatment Program Using Methadone" shall be submitted to the program sponsor for submission to the Food and Drug Administration. The patient shall always report to the same facility unless prior approval is obtained from the medical director for treatment at another operation.

III. The following minimal treatment standards shall be followed.

A. A statement shall be given to the addicts to inform them about the program. A voluntary request and consent Form FD 2635 "Consent to Methadone Treatment" shall be signed by each patient. Participation in the program shall be voluntary.

B. The mere use of a narcotic drug, even if periodic or intermittent, cannot be equated with narcotic addiction. Care shall be exercised in the selection of patients to prevent the possibility of admitting a person who was not first dependent upon heroin or other morphine-like drugs at least 2 years prior to admission to maintenance treatment. This drug history and evidence of current physiologic dependence on morphine-like drugs shall be documented. Evidence of physical dependence should be obtained by noting early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilation, and pilocerection) during the initial period of abstinence. Withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation (medical and personal history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection may require inpatient observation. It is unlikely that an individual would be currently dependent on narcotic drugs without having a positive urine test for one or more of these drugs. Additional evidence can be obtained by noting the presence of old and fresh needle marks, and by obtaining additional history from relatives and friends.

C. An exception to the requirement for evidence of current physiologic dependence on narcotic drugs will be allowed under exceptional circumstances. For example, methadone treatment may be initiated prior to or within 1 week of release from a stay of 1 month or longer in in a penal or chronic care institution if an individual has a pre-detention history of dependence upon heroin or other morphine-like drugs at least 2 years prior to admission to the institute. Justification for any such exception should be noted on the patient's record.

D. Patients between 16 and 18 years of age who are enrolled and under treatment in approved programs on December 15, 1972 may continue in maintenance treatment. No new patients between 16 and 18 years of age may be admitted to a maintenance treatment after such date unless a parent, legal guardian, or responsible adult designated by the State authority completes and signs consent form, Form FD 2635, "Consent to Methadone Treatment". Methadone treatment of new patients between ages 16 and 18 years of age will be permitted after such date only with a documented history of two or more unsuccessful attempts at detoxification and a documented history of dependence on heroin or other morphine-like drugs beginning 2 years or more prior to application for treatment. No patient under age 16 may be continued or started on methadone treatment after such date, but these patients may be detoxified and retained in the program in a drug-free state for follow-up and aftercare. Patients under age 18 who are not placed in maintenance treatment may be detoxified. Detoxification may not exceed 3 weeks. A repeat episode of detoxification may not be initiated until 4 weeks after the completion of the previous detoxification.

IV. An admission evaluation and record shall be made and maintained for each patient upon admission to the program. This evaluation and record shall consist of a personal history, a medical history, and a physical examination, and any laboratory or other special examinations as indicated in the judgment of the attending physician. (It is recommended that a complete blood count, liver function tests, and a serologic test for lues be part of the admission evaluation.)

A. A personal history record will include at least age, sex, educational level, employment history, criminal history, past history of drug abuse of all types, and prior treatment for drug abuse.

B. Medical history. A thorough medical history record will be completed for each patient accepted for admission.

C. Physical examination. The findings of a comprehensive physical examination will be recorded.

V. I understand that there is a danger of drug dependent persons attempting to enroll in more than one methadone treatment program to obtain quantities of methadone either for the purpose of self-administration or illicit marketing. To prevent such multiple enrollments, I will participate in whatever local, regional, or national patient identification system that exists and I state my intention to participate in any system that may be developed and approved by the Food and Drug Administration unless I notify the Food and Drug Administration, in writing, to the contrary. I understand failure to participate may cause revocation of approval of my application. Except in an emergency situation, methadone will not be provided to a patient who is known to be currently receiving the drug from another treatment program using methadone. Except as provided in item XI of this form, information that could identify the patient will be kept confidential in compliance with 21 CFR Part 401.

VI. The following minimal procedures will be used for ongoing care.

A. Dosage and administration for detoxification and maintenance treatment:

1. Methadone will be administered or dispensed in oral form only when used in a treatment program. Hospitalized patients under care for a medical or surgical condition are permitted to receive methadone in parenteral form, when in the attending physician's professional judgment it is deemed advisable. Although tablet, syrup concentrate, or other formulations are permitted to be distributed to the program, all

oral medication shall be administered or dispensed in a liquid formulation. The dosage shall be formulated in such a way as to reduce its potential for parenteral abuse and accidental ingestion, and packaged for outpatient use in special packaging as required by 21 CFR 295.2. Any take-out medication shall be labeled with the treatment center's name, address and telephone number. Exceptions may be granted when any of the provisions of this subsection are in conflict with State law with regard to the administering or dispensing of drugs.

2. In detoxification, the patient may be placed on a substitutive methadone administration schedule when there are significant symptoms of withdrawal. The dosage schedules indicated below are recommended but may be varied depending upon clinical judgment. Initially, a single oral dose of 15-20 milligrams of methadone will often be sufficient to suppress withdrawal symptoms. Additional methadone may be provided if withdrawal symptoms are not suppressed or whenever symptoms reappear. When patients are physically dependent on high doses of methadone, it may be necessary to exceed these levels. 40 milligrams per day in single or divided doses will usually constitute an adequate stabilizing dose level. Stabilization can be continued for 2 to 3 days and then the amount of methadone will normally be gradually decreased. The rate at which methadone is decreased will be determined separately for each patient. The dose of methadone can be decreased on a daily basis or in 2 day intervals, but the amount of intake shall always be sufficient to keep withdrawal symptoms at a tolerable level. In hospitalized patients a daily reduction of 20 percent of the total daily dose usually will be tolerated and will cause little discomfort. In ambulatory patients, a somewhat slower schedule may be needed. If methadone is administered for more than 3 weeks, the procedure is considered to have progressed from detoxification or treatment of the acute withdrawal syndrome to maintenance treatment, even though the goal and intent may be eventual total withdrawal.

3. In maintenance treatment the initial dosage of methadone should control the abstinence symptoms that follow withdrawal of narcotic drugs but should not be so great as to cause sedation, respiratory depression, or other effects of acute intoxification. It is important that the initial dosage be adjusted on an individual basis to the narcotic tolerance of the new patient. If such a patient has been a heavy user of heroin up to the day of admission, he may be given 20 milligrams orally for the first dose and another 20 milligrams 4 to 8 hours later, or 40 milligrams in a single oral dose. If he enters treatment with little or no narcotic tolerance (e.g., if he has recently been released from jail or other confinement), the initial dosage may be one-half these quantities. When there is any doubt, the smaller dose should be used initially. The patient should then be kept under observation, and, if symptoms of abstinence are distressing, additional 10 milligram doses may be repeated as needed. Subsequently, the dosage should be adjusted individually, as tolerated and required, to a level of 120 milligrams daily. For daily dosages above 100 milligrams patients shall ingest medication under observation 6 days per week. These patients will be allowed take-home medication for 1 day per week only. Those patients in treatment on December 15, 1972 who are receiving a take-home dose of more than 100 milligrams per day shall have their dosage level reduced to 100 milligrams per day or less by June 13, 1973. A daily dose of 120 milligrams or more shall be justified in the medical record. For daily dosages above 120 milligrams or, beginning June 13, 1973, for take-home doses above 100 milligrams per day, prior approval shall be obtained from the Food and Drug Administration and the State authority. A regular review of dosage level should be made by the responsible physician with careful consideration given for reduction of dosage as indicated on an individual basis. A new dosage level is only a test level until stability is achieved.

4. Caution shall be taken in the maintenance treatment of pregnant patients. Dosage levels shall be maintained as low as possible if continued methadone treatment is deemed necessary. It is the responsibility of the program sponsor to assure that each female patient is fully informed concerning the possible risks to a pregnant woman or her unborn child from the use of methadone.

5. Methadone will be administered or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This agent may only be a pharmacist, registered nurse, or licensed practical nurse depending upon the State regulations regarding narcotic drug dispensing and administering administration. The licensed practitioner assumes responsibility for the amounts of methadone administered or dispensed and all changes in dosage schedule shall be recorded and signed by the licensed practitioner.

6. For detoxification, the drug shall be administered daily under close observation. In maintenance treatment the patient initially will ingest the drug under the observation daily, or at least 6 days a week, for the first 3 months. It is recognized that diversion occurs primarily when patients take medication from the clinic for self-administraion. It is also recognized, however, that daily attendance at a program facility may be incompatible with gainful employment, education, and responsible homemaking. After demonstrating satisfactory adherence to the program regulations for at least 3 months and showing substantial progress in rehabilitation by participating actively in the program activities and/or by participation in educational, vocational, and homemaking activities, those patients whose employment, education or homemaking responsibilities would be hindered by daily attendance may be permitted to reduce to three times weekly the times when they must ingest the drug under observation. They shall receive no more than a 2-day take-home supply. With continuing adherence to the program's requirements and progressive rehabilitation for at least 2 years after entrance into the program, such patients may be permitted twice weekly visits to the program for drug ingestion under observation with a 3-day take-home supply. Prior to reducing the frequency of visits, documentation of the patient's progress and the need for reducing the frequency of visits shall be recorded. The requirements and schedule for when the drug must be ingested under supervision may be relaxed if the patient has a serious physical disability which would prevent frequent visits to the program facility. The Food and Drug Administration and the State authority shall be notified of such cases. Additional medication may also be provided in exceptional circumstances such as acute illness, family crises, or necessary travel when hardship would result from requiring the customary observed medication intake for the specific period. In such circumstances the reasons for providing additional medication will be recorded in the clinical record. In circumstances of severe illness, infirmity or physical disability, an authorized individual (e.g., a licensed practitioner) may deliver or obtain the medication.

B. In maintenance treatment, a urinalysis will be performed randomly at least weekly for morphine and monthly for methadone, barbiturates, amphetamines, and other drugs if indicated. Those patients receiving their doses of the drug from medication units will also adhere to this schedule. The urine shall be collected in a manner which minimizes falsification of the samples. The reliability of this collection procedure shall be demonstrated. Laboratories used for testing must participate in and be approved by any proficiency testing program designated by the Food and Drug Administration. Any changes made in laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

C. An adequate clinical record will be maintained for each patient. The record will contain a copy of the signed consent form(s), the date of each visit, the amount of methadone administered or dispensed, the results of each urinalysis, a detailed account of any adverse reactions, which will also be reported within 2 weeks to the Food and Drug Administration on Form FD-1639, "Drug Experience Report," any significant physical or psychologic disability, the type of rehabilitative and counseling efforts employed, an account of the patient's progress, and other relevant aspects of the treatment program. For recordkeeping purposes, if a patient misses appointments for 2 weeks or more without notifying the program, the episode of care is considered terminated and so noted in the clinical record. This does not mean that the patient cannot return for care. If the patient does return for care and is accepted into the program, this is considered a readmission and so noted in the clinical record. This method of recordkeeping helps assure the easy detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., the patient who has received no medication for several days or more and upon return receives the usual stabilization dose). An annual evaluation of the patient's progress will be recorded in the clinical record.

D. All patients in maintenance treatment will be given careful consideration for discontinuance of methadone especially after reaching a 10 to 20 milligrams dosage level. Social rehabilitation shall have been maintained for a reasonable period of time. Patients should be encouraged to pursue the goal of eventual withdrawal from methadone and becoming completely drug-free. Upon successfully reaching a drug-free state the patient should be retained in the program for as long as necessary to assure stability in the drug-free state, with the frequency of his required visits adjusted at the discretion of the director.

VII. To prevent diversion into illicit channels, adequate security shall be maintained over stocks of methadone and over the manner in which it is distributed, as required by the Bureau of Narcotics and Dangerous Drugs.

VIII. The program director may establish geographically dispersed medication units of reasonable size for administering and dispensing medication to patients stabilized at their optimal dosage level. The approval of such units for any geographic area shall be based upon the number and distribution of such units within the area. No more than 30 patients shall be under care at a medication unit at any one time. These units shall be responsible only for administering and dispensing medication. Private practitioners and community pharmacies may serve as medication units. Only after patients have been stabilized at their optimal initial dosage level may they be referred to a medication unit. Subsequent to such referral, the pro-

gram director shall retain continuing responsibility for the patient's care and the patient shall be seen at the primary program facility at least monthly for medical evaluation and ancillary service. If a private practitioner wishes to provide other service in addition to administering and dispensing medication and collecting urine samples, the practitioner is considered a program component or a separate program, depending upon the type of services provided. In such case the restrictions on the number of patients served shall be determined by the staffing pattern and resources available.

IX. All representations in this application are currently accurate, and no changes shall be made in the program until they have been approved by the Food and Drug Administration and the State authority.

X. If the program or any individual under the program is disapproved, the program director shall recall the methadone from the disapproved sources and return the drug to the manufacturer in a manner prescribed by the Bureau of Narcotics and Dangerous Drugs.

XI. Inspections of this program may be undertaken by the State authority, by the Food and Drug Administration and by the Bureau of Narcotics and Dangerous Drugs in accordance with Federal controlled substances laws. The identity of patients will be kept confidential except when it is necessary to make follow-up investigations on adverse effect information related to use of the drug, when the medical welfare of the patient would be threatened by a failure to reveal such information, or when it is necessary to verify records relating to approval of the program or any portion thereof. In all circumstances the provisions of 21 CFR Part 401 shall be followed.

Signature:_____

(3) *Annual Report Form.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD 2634 Annual Report for Treatment Program Using Methadone

This form shall be completed in triplicate by the program sponsor for each calendar year.

One copy is to be sent to the Food and Drug Administration and one copy to the State authority on or before January 30.

I. Name or other identification of program

_____

_____

Address _____

_____

II. Total Treatment Capacity _____

III. Amount of methadone dispensed (in grams) during the year: _____

IV. Number of individuals who applied to the program but were not admitted or given admission evaluation _____

V. Number of individuals who were provided only detoxification one or more times _____

VI. Census of patients provided methadone maintenance treatment _____

A. Number under care at the beginning of the year being reported _____

B. Of those in treatment at the beginning of the year:

1. Number continuously under care through the year being reported (still under care) _____

2. Number discharged or transferred to other types of programs and not readmitted _____

3. Number discharged or transferred to other types of programs and readmitted (still under care) _____

4. Number discharged and readmitted (no longer under care) _____

C. Number admitted to care during year ____, not previously treated in this program:

1. Number still under care at the end of the year _____

2. Number discharged or transferred to other types of programs and not readmitted _____

3. Number discharged or transferred to other types of programs and readmitted (still under care) _____

4. Number discharged and readmitted (no longer under care) _____

D. Number admitted to care during the year ____, previously treated in this program prior to the past year:

1. Number still under care at the end of the year _____

2. Number discharged or transferred to other types of programs and not readmitted _____

3. Number discharged and transferred to other types of programs and readmitted (still under care) _____

4. Number discharged and readmitted (no longer under care) _____

VII. Demographic and treatment characteristics of patients under care at the end of the year being reported:

A. By age and sex:

Age	Total	Male	Female
Under 14			
14–15			
16–17			
18–20			
21–25			
26–35			
36–45			
46+			

B. For the year being reported, give the number of patients who have been under continuous care for the following periods of time:

Under 3 months _____
3 months to 1 year _____
1 to 2 years _____
2 to 5 years _____
Over 5 years _____

C. Total number of individuals treated to date _____

D. For the year being reported, give the number of patients stabilized at each dosage level:

Daily dosage, mgm.	*Number of patients*
Under 20	
20–39	
40–59	
60–79	
80–99	
100–119	
Over 120	

E. For the year being reported, give the number of patients seen in the past 8 weeks who have fallen in the following categories:

No positive urinalysis for morphine for 2 months or more _____

Occasional positive urinalysis for morphine (monthly or less) _____

Frequent positive urinalysis for morphine (more than once per month) _____

In program for less than 2 months _____

For the year being reported, give the number of patients treated who were pregnant _____

VIII. Give the number of patients having significant adverse reactions, particularly reactions related to hematopoietic, cardiovascular, endocrine, neurologic, and immunological functions (attach a completed copy of Form FD–1639, "Drug Experience Report," for each incident not previously reported to the Food and Drug Administration):

Type of reaction	*Number of patients*
_____	_____
_____	_____
_____	_____
_____	_____

IX. Give the number of patients who have died while under methadone care (attach a completed copy of Form FD–1639, "Drug Experience Report", for each incident not previously reported to the Food and Drug Administration):

	Number of patients
A. Definitely methadone-related	_____
B. Not methadone-related	_____

Signature _____

(Program sponsor)

(4) *Patient Consent Form.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD 2635 Consent for Methadone Treatment

Patient _____ Date _____

Name of practitioner explaining procedures _____

(Provisions of this consent form may be modified to conform to any applicable State law.)

I hereby authorize and give my voluntary consent to Dr. _____

(Program medical director)

and/or any appropriately authorized assistants he may select, to administer or prescribe the drug methadone as an element in the treatment for my dependence on heroin or other narcotic drugs.

The procedures necessary to treat my condition have been explained to me and I understand that it will involve my taking daily dosages of methadone, or other drugs, which will help control my dependence on heroin or other narcotic drugs.

It has been explained to me that methadone is a narcotic drug which can be harmful if taken without medical supervision. I further understand that methadone is an addictive medication and may, like other drugs used in medical practice, produce adverse results. The alternative methods of treatment, the possible risks involved, and the possibilities of complications have been explained to me, but I still desire to receive methadone due to the risk of my return to the use of heroin or other drugs.

The goal of methadone treatment is total rehabilitation of the patient. Eventual withdrawal from the use of all drugs, including methadone, is an appropriate treatment goal. I realize that for some patients methadone treatment may continue for relatively long periods of time but that periodic consideration shall be given concerning my complete withdrawal from methadone use.

I understand that I may withdraw from this treatment program and discontinue the use of the drug at any time and I shall be afforded detoxification under medical supervision.

I agree that I shall inform any doctor who may treat me for any medical problem that I am enrolled in a methadone treatment program, since the use of other drugs in conjunction with methadone may cause me harm.

I also understand that during the course of treatment, certain conditions may make it necessary to use additional or different procedures than those explained to me. I understand that these alternate procedures shall be used when in the Program or Medical Director's professional judgment it is considered advisable.

_____

(For female patients of child-bearing age)

To the best of my knowledge, I (am/am not) pregnant at this time.

Besides the possible risks involved with the long-term use of methadone, I further understand that, like heroin and other narcotic drugs, information on its effects on

pregnant women and on their unborn children is at present inadequate to guarantee that it may not produce significant or serious side effects.

It has been explained to me and I understand that methadone is transmitted to the unborn child and will cause physical dependence. Thus, if I am pregnant and suddenly stop taking methadone, I or the unborn child may show signs of withdrawal which may adversely affect my pregnancy or the child. I shall use no other drugs without the medical director or his assistants' approval, since these drugs, particularly as they might interact with methadone, may harm me or my unborn child. I shall inform any other doctor who sees me during my present or any future pregnancy or who sees the child after birth, of my current or past participation in a methadone treatment program in order that he may properly care for my child and me.

It has been explained to me that after the birth of my child I should not nurse the baby because methadone is transmitted through the milk to the baby and this may cause physical dependence on methadone in the child. I understand that for a brief period following birth, the child may show temporary irritability or other ill effects due to my use of methadone. It is essential for the child's physician to know of my participation in a methadone treatment program so that he may provide appropriate medical treatment for the child.

All the above possible effects of methadone have been fully explained to me and I understand that at present, there have not been enough studies conducted on the long term use of the drug to assure complete safety to my child. With full knowledge of this, I consent to its use and promise to inform the Medical Director or one of his assistants immediately if I become pregnant in the future.

(For patients under 18 years of age)

The patient is a minor, _____ years of age, born, _____. The risks of the use of methadone have been explained to (me/us) and (I/we) understand that methadone is a drug on which long-term studies are still being conducted and that information on its effects in adolescents is incomplete. It has been explained to (me/us) that methadone is being used in the minor's treatment only because the risk of (his/her) return to the use of heroin is sufficiently great to justify this treatment. (I/We) declare that participation in the methadone treatment program is wholly voluntary on the part of both the (parent(s)/guardian(s)) and the patient and that methadone treatment may be stopped at any time on (my/our) request or that of the patient. With full knowledge of the potential benefits and possible risks involved with the use of methadone in the treatment of an adolescent, (I/we) consent to its use upon the minor, since (I/we) realize that otherwise (he/she) shall continue to be dependent upon heroin or other narcotic drugs.

I certify that no guarantee or assurance has been made as to the results that may be obtained from methadone treatment. With full knowledge of the potential benefits and possible risks involved, I consent to methadone treatment, since I realize that I would otherwise continue to be dependent on heroin or other narcotic drugs.

Patient _____
Date _____
Date of birth _____
Parent(s) or guardian(s) _____
Relationship _____
Witness _____

(5) *Hospital Application.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD 2636 Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification and Temporary Maintenance Treatment

Name of hospital _____
Address _____
Commissioner,
Food and Drug Administration,
Bureau of Drugs (BD-106),
Rockville, Md. 20852.

DEAR SIR: As hospital administrator, I submit this request for approval to receive supplies of methadone to be used for analgesia in severe pain and for detoxification and and maintenance treatment in accord with § 130.44 of the new drug regulations. I understand that the failure to abide by the requirements described below may result in revocation of approval to receive shipments of methadone, seizure of the drug supply on hand, injunction, and criminal prosecution.

I. The name of the individual (pharmacist) responsible for receiving and securing supplies of methadone is _____.

II. There are a total of _____ beds in the hospital.

III. A general description of the hospital and nature of patient care undertaken is attached.

IV. The anticipated quantity of methadone needed per year is _____ (Gms.).

V. Methadone is permitted to be administered or dispensed only for detoxification or temporary treatment of hospitalized patients, and for analgesia in severe pain for hospitalized patients and outpatients. If methadone is administered for treatment of heroin dependence for more than 3 weeks, the procedure passes from treatment of the acute withdrawal syndrome (detoxification) to maintenance treatment. Maintenance treatment is permitted to be undertaken only by approved methadone programs. This does not preclude the maintenance treatment of an addict who is hospitalized for treatment of medical conditions other than addiction and who requires temporary maintenance treatment during the critical period of his stay whose enrollment in a program which has approval for maintenance treatment using methadone has been verified.

VI. Prior to filing a physician's prescription for methadone for outpatients, I shall obtain from the physician a statement indicating that all such prescriptions written by him shall be limited to use for analgesia in severe pain and his agreement to maintain records to substantiate such use. These records will be available in the hospital or made available at the request of the hospital administrator. On January 30 of each year, the hospital shall report to the Food and Drug Administration the names and addresses of all physicians who prescribed methadone for analgesia on an outpatient basis during the previous year.

VII. Prescriptions for analgesia may be filled only if they are written by a physician who has submitted the required statement to the hospital.

VIII. Accurate records shall be maintained showing dates, quantity, and batch or code marks of the drug for inpatient and outpatient treatment. The records shall be retained for a period of 3 years.

IX. The Food and Drug Administration and the State authority may inspect supplies of the drug and evaluate the uses to which the drug is being put. The identity of the patient will be kept confidential except when it is necessary to make follow-up investigations on adverse effect information related to the drug, when the medical welfare of the patient would be threatened by a failure to reveal such information, or when it is necessary to verify records relating to approval of the hospital or any portion thereof. The confidentiality requirements of 21 CFR Part 401 shall be followed.

Signature _____
(Hospital official)

2. A new paragraph (b) is added to § 130.48 as follows:

§ 130.48 Drugs that are subjects of approved new-drug applications and that require special studies, records, and reports.

* * * * *

(b) *Methadone.* Methadone may be used as an analgesic in severe pain, for the detoxification of narcotic addicts, and as an oral substitute for heroin or other morphine-like drugs, in the maintenance treatment of narcotic addicts, pursuant to the conditions established in § 130.44. Further data and information are required to establish the safety and effectiveness of methadone under a variety of conditions during widespread and long-term use. In view of the tremendous public health and social problems associated with the use of heroin, the demonstrated usefulness of methadone in treatment, the lack of a safe and effective alternative drug or treatment modality, the need for additional safety and effectiveness data on methadone, and the danger to health that could be created by uncontrolled distribution and use of methadone, the Commissioner of Food and Drugs finds that it is not in the public interest either to withhold the drug from the market until it has been proved safe and effective under all conditions of use or to grant full approval for unrestricted distribution, prescription, dispensing, or administration of methadone. The Commissioner therefore concludes that it is essential to the public interest to prescribe detailed conditions for safe and effective use of methadone, utilizing the IND and NDA control mechanisms and the authority granted under the Comprehensive Drug Abuse Prevention and Control Act of 1970, to assure that the required additional information for assessing the safety and effectiveness of methadone is obtained, to maintain close control over the safe distribution, administration, and dispensing of the drug, and to detail responsibilities for such control. The conditions established in § 130.44 constitute a determination of the appropriate methods of professional practice in the medical treatment of the narcotic addiction of various classes of narcotic addicts with respect to the use of methadone, pursuant to section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(1) *Effective date.* Paragraphs (d)(3)(ii), (d)(3)(iv), (g)(1), (g)(2), and (g)(3) of § 130.44, become effective December 15, 1972. The remainder of § 130.44 and § 130.48 become effective March 15, 1973.

Dated: December 7, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-21306 Filed 12-14-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-575]

METHADONE

Proposed Withdrawal of New Drug Applications; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of January 7, 1972 (37 F.R. 201), the Commissioner of Food and Drugs added a new § 130.48 *Drugs that are subjects of approved new-drug applications and that require special studies, records, and reports* to the new drug regulations. In the FEDERAL REGISTER of April 6, 1972 (37 F.R. 6940), the Commissioner proposed special requirements for use of methadone. A final order regarding this proposal is published elsewhere in this issue of the FEDERAL REGISTER.

For reasons stated in the April 6, 1972 proposal, and the final order, the Commissioner concludes that there is a lack of substantial evidence that methadone is safe and effective for detoxification, analgesia, or antitussive use under the conditions of use that presently exist. Therefore, notice is given to the holders of the new drug applications for methadone that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new drug applications and all amendments and supplements thereto:

1. Methadone (Dolophine) HCl Tablets, Injectable, Suppository; by Eli Lilly & Co., Box 618, Indianapolis, Ind. 46206. (NDA 6134).

2. Methadone HCl Tablets, Injectable; by Hoffmann-LaRoche Inc., Nutley, N.J. 07110. (NDA 6305).

3. Methadone HCl Injectable, Tablets, Elixir; by Parke, Davis & Co., Joseph Campau Avenue, At the River, Detroit, Mich. 48232. (NDA 6310).

4. Methadone HCl Tablets, Injectable; by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002. (NDA 6311).

5. Methadone HCl Ampuls; by S. E. Massengill Co., 527 Fifth Street, Bristol, Tenn. 37620. (NDA 6345).

6. Methadone HCl Tablets, Injectable; by Wm S. Merrell Co., Division Richardson-Merrell Inc., 110 East Amity Road, Cincinnati, Ohio 45215. (NDA 6370).

7. Methadone HCl Tablets; by Mallinckrodt Chemical Works, 3600 North Second Street, Box 5439, St. Louis, Mo. 63160. (NDA 6383).

8. Methadone (Amidone) HCl Tablets, Elixir, Injectable; by S. F. Durst & Co., Inc., 5317 North Third Street, Philadelphia, Pa. 19120. (NDA 6504).

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicants an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER the applicants are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail themselves of the opportunity for a hearing. Failure of an applicant to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no applicant elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the applications.

If an applicant elects to avail himself of the opportunity for a hearing, he must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug applications should not be withdrawn, together with a well-organized and full factual analysis of the data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant warrants the conclusion that there exists substantial evidence demonstrating the safety and effectiveness of the product under existing conditions of use, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the applications and data submitted by the applicants in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the applications, the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicants, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

New drug application holders may submit, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, a supplemental new drug application requesting approval for the manufacture and distribution of methadone pursuant to §§ 130.44 and 130.48(b). Upon submission and approval of any such supplement the Commissioner will rescind this notice of opportunity for hearing for that applicant.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat 1052-1053, as amended; 21 U.S.C. 355) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 7, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc. 72-21305 Filed 12-14-72;8:45 am]